

**ASPECTS OF POLITICAL DEVELOPMENT IN KAZAKHSTAN,  
1991-2011**

*Thesis submitted to Jawaharlal Nehru University  
for award of the degree of*

**DOCTOR OF PHILOSOPHY**

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2016



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## DECLARATION

I declare that the thesis entitled "ASPECTS OF POLITICAL DEVELOPMENT IN KAZAKHSTAN, 1991-2011" submitted by me for the award of the degree of **Doctor of Philosophy** of Jawaharlal Nehru University is my own work. The thesis has not been submitted for any other degree of this University or any other university.

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## CERTIFICATE

We recommend that this thesis be placed before the examiners for evaluation.

*skp*  
PROF. SANJAY KUMAR PANDEY  
Chairperson, CRCAS

*Phool Badan*  
PROF. PHOOL BADAN  
Supervisor

*Dedicated to  
My Beloved Family  
And  
Late Dadaji*

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## PREFACE

This study attempts to understand the evolving political development of Kazakhstan in the post-Soviet period. Born in the aftermath of Soviet disintegration, Kazakhstan has been moving towards democracy but it has not entirely departed from its Soviet traditions of authoritarianism. The country is in the process of transition and has not yet evolve democratic framework in true sense. The country has democratic institutions, but in practice, they are fragile. The political system is also in the evolutionary stage and the modern democracy values have not been fully take roots in the political culture of the country. The study examines the functioning of political institutions i.e. their successes as well as the challenges faced by them during the period of study. For this purpose, the present study examines the transition of political system of Kazakhstan from 1991 to 2011.

The initial two decades witnessed major shift in the balance of power in the international political scenario. The post-Soviet world brought market economy to the forefront and emphasized on the democratic political system. The present study analyses the political development of the newly emerged republics in the Central Asian region in general and Kazakhstan in particular. In the process, it also deals with historical and political turmoil in Kazakhstan for better understanding of the political system. The study also focuses on the political parties and their role in the development process of the country in the formation of the democratic political system. The time frame of the study has been taken from 1991 to 2011. The timeframe is important because as Kazakhstan got its independent from the USSR in December 1991. The Republic adapted its first Constitution in 1993 and second through referendum in 1995 which was subsequently amended in 1998 and 2007. It adopted the presidential form of constitutional democracy which still exhibits the sign of authoritarianism of Soviet era. Subsequently, the presidential elections were held in 1999, 2005, 2011 and 2015. As Kazakhstan completed its 20 anniversary in 2011, it has witnessed turmoil, but has also achieved several accomplishments. These circumstances make it an interesting study to understand the process of political development in Central Asian region which can also be a guide in understanding the political landscape of other countries of the region for the aforesaid period.

In the aftermath of the dissolution of the Soviet Union in 1991, the five Central Asian Republics gained their independence. They undertook the path of political and economic reforms to make a transition from a planned economy to a market based financial system, from an authoritarian political framework to a democratic polity. Today, in the interconnected world of

global markets Kazakhstan is seeking the right formulas for both political and economic reforms to bring about an overall political and economic development.

In order to understand the complex political and economic reform in the post-Soviet era of Kazakhstan, the research study comprises of seven chapters including conclusion. The first chapter provides an overview of the study. It comprises the literature review, research methodology and objectives of the study. It further gives a general outline of the subject including its significance and objectives of the proposed study. It also highlights the hypotheses and the scheme of the chapters. A brief survey of the relevant literature has also been presented in this chapter. The chapter analyses the Kazakh political development in the light of the theoretical framework using different models of the political system and its suitability to Kazakhstan political system. This chapter also throws light on the Constitutional provisions and system of governance such as democratic institutions, civil societies and administrative setup in Kazakhstan.

The second chapter looks into the political history of the Republic in order to understand the evolution of present political and administrative machinery. It also throws light on the different phases of political development. Attempts have been made to focus on historical development of pre-Soviet and Soviet periods. The third chapter sheds light on the working of the Constitutional mechanism and subsequent political development in the Republic. It analyses different aspects of the system of governance and its working in Kazakhstan. The study throws light on the different phases of political development in the Kazakhstan. The fourth chapter deals with working of various democratic institutions and electoral system of the republic. It also analyses the functioning of other essential institutions like judiciary, party system, media, etc. The chapter also focuses on the civil society and its role in the promotion of democratic political culture in the republic.

The sixth chapter made an effort to study the socio-economic challenges, problems as well as a weakness that are influencing the political development of the republic. The study also discusses the barriers such as non-democratic character of political institutions, weak human right record, ineffective civil society, authoritarian political system, acute drug and human trafficking and multidimensional ethnic problems rooted in region's history. These are the major challenges to the development of a democratic political system in Kazakhstan. The concluding chapter summarizes the findings of the study and the broad conclusions drawn. This chapter also throws light on the gaps in the existing knowledge and attempts have been made to fulfill the gaps.

During the course of the study many people have contributed directly or indirectly and helped me in completing the PhD thesis. First and foremost, I record my gratitude to my Supervisor Prof. Phool Badan, who extended invaluable guidance in planning the scheme of this work and gave me full opportunity to discuss my problems with him. This work never reaches this stage without continuous help and guidance of my supervisor. When I was a little bit puzzled in initial period of my thesis he has provided me courage and inspiration to work in this field. His contribution in building up the whole idea and put up the thesis in this shape is undeniable. He has not only given me invaluable suggestion and guidance, he has also listened to all my foolish questions with patience and care. The experience of seven year research under him is one of the finest moments in my student carrier. I am greatly indebted to him.

I extend my sincere gratitude to the chairperson of the centre, Prof. Sanjay Kumar Pandey who provided a congenial academic environment and research facilities. I would also like to express my sincere to Prof. Anuradha Chenoy, Dean SIS, Prof. Arun Kumar Mohanty, Prof. Ajay Kumar Patnaik, Prof. ArchanaUpadhyay, Dr. Rajan Kumar, Dr. Nalin Kumar Mohapatra, Dr. Tahir Ashgar, Dr. Preeti Das, Dr. Amitabh Singh and Dr. K.B. Usha of the Centre for their indispensable suggestions at various intervals of my research work proved to be helpful and spruced up my work.

I was always helped by office staff of Balram sir, Amit and other staff; they took care of all my documents related formalities without taking much time. The cooperative library staff of Jawaharlal Nehru University, IDSA, Teen Murti and South Asia Foundation has been instrumental in the completion of this effort by proving their help in getting required references. I am thankful to them.

During the course of my field trip to Kazakhstan, from 1<sup>st</sup> day to last date, I did not face any problem due to the cooperation of Faculty of Philosophy and Political Studies of Al-Farabi Kazakh National University. I am also thanks full to International Cooperation Department of the University that manage all technical problems. I am also thanks full to Prof. GulnarNassimova, Prof. Aliya Massalimova, Prof. Yergali Omargary, Prof. ZhussipovaAimar and Prof. SikhimbaevaDamira of the Al-Farabi Kazakh National University who help me regarding topic problems. I would like to especially thank to Prof. GulnarNossimova; she treat me like a mother. She helps a lot regarding my topic. In the last, I would like to thanks to teachers, students and staffs of Al-Farabi Kazakh National University for help and cooperation with me at all the steps.

I would also like to thanks my friends and seniors Pragyanshu, Vidyaprakash, Shraddha Nand, Subhash, Dharmendra, Chandramoni, Rashmini, Gaurav, Vikash, Abhisek, Ankur, Arihant, Prashant, Vimal and other all my friends, kept encouraging me to complete the work.

Finally, I regard it as my obligation to express my heartfelt thanks to Almighty God, and to my family specialy Arvind Bhaiya, Ranjeet Chacha, sister Neha, younger brother Ajit, Bhabhi, and Mumy-Papa for their love, constant encouragement, economical and moral support through my work in all possible ways.

Pawan Kumar Verma



## The Map of the Republic of Kazakhstan



Source: <https://www.google.co.in/search?q=POLITICAL+map+of+kazakhstan&biw=1366&bih=643&tbn=isch&imgil=bsdRr5T->

## **CHAPTER- 1**

### **INTRODUCTION**

The term 'political development' has been defined by various social scientists. It can be defined as a set of established democratic institutions, independent judiciary, conduction of free and fair elections, limited government, transparent bureaucracy, free press and the rule of law in the country. In other words, political development is also related to economic activity and it shows the improvement in the quality of life of the people. It is a process of development in the sphere of political and social institutions. The concept of political development is different from the political modernization, described as transformation of political culture in response to changes in social and economic spheres. It shows the changes in customs, traditions, living style of the people, political culture and political institutions as a result of modernization. In this way, political development is a concept which signifies the changing nature of society from conservative traditional society to modern rational society.

The meaning and definition of political development implies lot of confusion. It is due to the fact that the term development has been used in many disciplines and due to this it has various inclinations and biases. It is defined by a number of scholars in different ways.

Alfred Diamant has argued that liberal process of political development is an autonomous and spontaneous process. It has the capacity to absorb, preserve and sustain new demands, goals and organizations. In other words, political development is a process by which a political system acquires an increased capacity to sustain success and demands and the creation of new types of organizations (Diamant 1966). The idea of political development is a process of development through organization, institutions and by the people.

Helio Jaguaribe has explained that the concept of political development is dependent on engagement of people and agreement on the political system. About the political system, it is true that political scientists have already reached a large area of

agreement concerning the phenomenon of political development. He believes that it is presently possible for them to obtain a much clearer and more precise understanding of it by starting with that area of agreement (Jaguaribe 1973). The concept of political development emphasizes on the clearness of areas of political development in the political system.

J.P. Nettle pointed out that the idea of political development increases the conceptual knowledge of government and international organization in the national and international spheres. The concept of political development is, in large, used by policy-makers and after that economic, and sociology and in the sphere of comparative politics though there is still significant uncertainty and ambiguity in the use of this term (Nettle 1969).

The foremost scholar, who studied political development, was Lucian Pye. He presents the case of political development in his 'Aspects of Politics Development'. He analyses position of accepting and rejecting some of the definitions of political development in the following manner:

Some social theorists have pointed out that economic development is dependent upon political development so it is a condition for economic development, progress and supporting to prosperity. He further says that there is the objections that in less developed nations people is clearly concerned far more than just substance development, and are concerned about political development quite autonomously of its effects on the rate of economic development. Therefore to connect political development only to economic dealings would be to ignore much that is of dramatic significance in the developing States. Thus, Lucian Pye comes to a conclusion that political development is a multifaceted phenomenon. It has socio-economic and political systems as variables which determine it. On the other hand these variables also determine political development. Here, the concept of political development is identified with industrialization. But, the society also heads political sphere for its development.

W.W. Rostov tries to identify the process of political development with the pace of industrialization. Lucian Pye argues that "In this view the industrial societies, whether

democratic or not, set certain standards of political behaviour and performance which constitute the state of political development and which represent the appropriate goals of development for all other Systems (Pye 1966: 84).” A number of theorists pointed out that political development means political modernization. As the developing countries follow the path of the western model of development, therefore, it implies the political modernization of the less developed countries. It means that western developed countries are the example of the political development. But, Pye rejects these views by saying that the developing countries have their own historical identity and they cannot ignore that only to accept western model

Lucian Pye (1966) has explained various aspects of political development *viz.*

- Political development is one of the major reasons behind economic development. The development of political institutions and culture give wider space to deliberate policy. Latter helps to provide an inclusive form of decision making. It accommodates the aspirations of a larger population. Thus it maintains representative and participatory form of political development. In such type of political development the chances of stable economic policy is much more. In this way the stability and inclusiveness of political institutions help to formulate sound base of economic development.
- Political development also tells the nature of economic society. Forexample intensive political development leads to industrial form of economic society. In it political deliberations provides much space to industrial society to flourish up.
- Political modernization is the major outcome of political development. Higher level of political development causes sound political culture and institutions.
- The functioning of Nation states determines the nature of political development.

- Political development in a country can be observed in its administrative practices and legal regime.
- Political development rests on mass mobilization, participation and representation in decision making process.
- Political development provides base to democracy.
- Political development believes in accumulation of power through mass mobilization. It gives space to a majority of population in decision making. It is one of the processes of social change. It provides a platform to accommodate and express the opinion of a section of society to express their aspirations of social change in a peaceful way.

In this way, the concept of political development covered all national and international aspects of the society.

Some social scientists like K.H. Silvert, Edward and William McCord have argued that political development consists of the political existence and political occupations in accordance with the standards expectation of the modern country. However, Lucian Pye again rejects this view and says that political development is identifiable with nation-building and not with a nation state only. Some social theorists describe that effective bureaucracy is essential for political development. Lucian Pye points some weaknesses in this view point also. It is possible that if administration is over-stressed it may create imbalances for political development. Therefore, this is not an essential feature of political development.

Some scholars like Rupert Emerson, Bert F. Hoselitz and Eisentadt have stressed for political awareness and involvement of the citizens in the political process of the nation. In this process Lucian Pye argues that the procedure of people participation is a valid part of political progress. However, it is also fraught with the dangers of either sterile emotionalism or corrupting demagoguery, both of which can weaken the potency of a social order. The difficulty of course, is the traditional problem of balancing popular sentiments with public order which is the essential trouble of democratic system. The theorists like Joseph La Palombara and J. Ronald Pennock pointed out that political

development is imbibing of democratic values in the minds of people. But Lucian Pye expresses it in different sense that we should continue with our study and note that there are those who are similarly straightforward in emphasizing that development is essentially diverse from democracy, and that the very attempt to introduce democracy can be a optimistic accountability to development (Pye 1966:87-88).

Karl Deutsch and F.W. Riggs have pointed out that a stable and orderly change into political system is good for political development. Lucian Pye differs from this view and says that it does not answer how much order and change must be focussed. There is also the issue of whether the pairing of solidity and transform is not something that can happen merely in the imaginings of a middle class, or at least in societies that are for better than most of the currently immature ones. Ultimately, on the scale of priorities there is the feeling that the maintenance of order stands second to getting things done and thus, development calls for a somewhat more optimistic observation of act.

According to James S. Coleman, G.A. Almond and Talcott Parsons, political development can be evaluated by the level of power of system that it is able to mobilize to people. But, Lucian Pye critically argues that it avoid the issue of development in others where the mobilization of power is deliberately kept limited in system. He explains that when the idea of political development is considered in terms of mobilization and an increase in the complete point of command in the society, it become probable to differentiate both a purpose for development and also a range of quality connected with development. Some scholars like Max F. Millikan, Donald L.M. Blackmen pointed out that the separation of political development from other form of development is unnecessary and irrelevant. Lucian Pye says that all forms of development are related and social change is the part of different aspects of a society like economy, polity and social order.

### **Theories of Political Development**

After discussing about meaning and definitions of political development it can be concluded that there are broadly three models of political development, viz: Western-Liberal Democratic Model, Marxist-Leninist Model or Soviet Model of Political

Development and Third World Model of political development.

### **Western -Liberal Democratic Model of Political Development**

The Western-Liberal Democratic Model stresses more on industrialization. This model is based on the theory of liberal democracy and market economy. The countries which have established democracy are more politically developed than the countries which have not. Political systems of non-developed countries are more or less based on traditional institution and follow traditional way of life. The social mobilization is a process of transformation from traditional to modern way of life (Deutsch 1966: 205).

This model is widespread in countries like US, UK, France, Denmark, Sweden, Canada, and Japan. It stresses on the freedom of individual, welfare, self respect and decision of the people. The Western-Liberal Democratic Model emphasises on rationalism and modernism as well as people self-interest in the society based on human intelligentsia. The system of western-liberal model allows space for people equality, as in the concept of one man, one vote as well as liberty of the people (Apter 1965: 28).

The western liberal model of political development is West European model with US interest. The liberal model is largely derived from an understanding of the nature of political change in the developed world. The American interests stress on participation at the expense of the creation of parliamentary power. This model also affect the Third World countries in political development. The western model of political development emphasises on the government power, national identity and political participation in the political system (Dodd 1972: 21).

According to this view, industrialization is an important factor for development. Liberal model of political development stresses 'differentiation'. It specifies the level of labour in society. Liberal model of political development is a process in which a system or institution can changes into stronger, skilled and more efficient and more effective form, so that it can fulfil the people's aspirations. But, the idea of Fred W. Riggs is different from above ideas as he says that political development should be thought of as 'voting' or 'politics' under which to consider a wide theory there has already been

produced a surprisingly rich harvest of proportions and models relating to various aspects of the phenomena, but there is not yet, in his opinion anything that deserves to be called the 'theory' or even 'a theory' of political development (Riggs 1967: 338).

Thus, it can be seen that moderate democratic system is a form of rule in which representative democratic system functions on the basis of liberalism. This liberal model secures the rights of the individual, which are generally enshrined in the rule of law. The main features of this model are reasonable, open and competitive elections between several different political parties, a separation of powers into diverse branches of government, the rule of law in day by day life as component of a free society and the equivalent security of human rights, civil liberties, civil rights and political liberties for all individuals. The liberal democracy is often drawing upon a Constitution, either officially written or uncodified, to describe the powers of government and preserve the collective agreement. Presently, the liberal democratic model has become the predominant political model in the international scenario.

### **Marxist-Leninist Model or Soviet Model of Political Development**

The Soviet model of political development is fundamentally based upon the theories given by Karl Marx and Lenin which have influenced the world economy in the revolutionary way. This model is seen as alternative to the Western model. It identifies two classes in society, i.e. bourgeois and proletariat. According to this school of thought, if social justice and economic equality prevails in a society only then political development can take place in that society. Thus, it prefers classless society where all are equal and no discrimination prevails. according to Dodd (1972) Marxist-Leninist Model has three assumptions:

- a) Social class structure which is followed by distribution of economic forces.
- b) Socialism can be possible by the working class existence.
- c) Socialism cannot be brought to the working class, but must emerge out of its conflict with the middle class.



Trotsky provides that to bring political development in the underdeveloped countries, the role of communism is similar to the nationalism. Indian political thinker S.P. Varma says that in the beginning of the 20<sup>th</sup> century USSR (Union of Soviet Socialist Republics) had faced the same problem of industrialization and modernization like western countries, but it adopted different techniques and strategies to overcome (Varma 1975: 288). Within this model, there are two groups of scholars who give their views about political development. The first group includes Lucian Pye and James S. Coleman who considered political development as political modernization. Lucian Pye and Sidney Verba in their work *Political Culture and Political Development* (1965) have asserted that in such a traditional system people do not participate in politics and governance of the country. This model identifies three characteristics of political modernization.

### **1. Equality**

Equality is regarded as the morality precondition for modernity. This is based on adult citizenship, legal equality and ability skills. Modern political system encourages participation of people in the process of governance. Lucian Pye says that equality indicates that recruitment to political workplace should reveal achievement standards of act and not the ascriptive thoughts of a conventional society organization (Pye 1966: 90).

### **2. Capacity**

Capacity denotes the increased capacity of political system for their arrangement for public affairs; control disputes and fulfil the new demands of people. It means effectiveness and efficiency will be in public policy. Pye says that capacity involves first of all the utter magnitude, scale and scope of political and governmental act (Pye 1966: 90).

### **3. Differentiation**

Differentiation refers to diffusion and specialization of structures of system. Lucian Pye says that differentiation is not disintegration and the separation of the diverse parts of political system but speciality based on a last wisdom of incorporation.

The second group consists of scholars like Gabriel Almond and G.B. Powell who in their much celebrated work *Cooperative Politics: A Developmental Approach* (1966) based their assumption upon 'structural-functional' analysis of political system. This system identifies three characters of political development.

### **1. Structural Differentiation**

Structural differentiation entails the development of different structures, organisations for the presentation of diverse types of function of political system. It works at two levels:

- (i) At input level, nongovernmental organizations which perform the functions of political socialization by family, schools etc, interest articulation by interest group and interest -aggregation by political parties and political communication like mass communication.
- (ii) At output level, it operates 'separation of powers' between different government organs for performing the functions of rule making (legislature), rule application (executive) and rule- adjudication (judiciary).

### **2. Secularization of Culture**

It indicates the procedure by which people slowly accept more reasonable political thinking and action; especially it requires transition from lower to higher level of political culture. Almond and Powell stressed that 'political systems have mixed political culture. The most primitive societies have threads of instrumental rationality in their structure and culture. The most modern are permitted by ascriptive particularistic and informal relationships and attitudes. They differ in the relative dominance of one against the other and in the pattern of the mixture of these components. Secularization is a matter of degree and of these rational aspects' (Almond and Powell 1966: 33).

### **3. Expansion of capability**

There are four types of capabilities of political system:

(i) *Regulative capability*; it controls the behaviour of individual and group.

(ii) *Extractive capability*; it stresses the capability to appropriate the natural and human resources of society and international environment.

(iii) *Distributive capability*; it emphasizes the distribution of various benefits to individual and group.

(iv) *Responsive capability*; the capability to respond to the demand coming from society and international environment (Almond and Powell 1966).

Regulative and extractive capabilities of political system are suitable and match with its distribution and responsive capabilities for a balanced development.

### **Third World Model of Political Development**

Before discussing about the Third World, we would understand the first world and second world. The first world is America, Western European nations and their associates. The second world is former Soviet Union, Cuba, China, and their associates. The third world is neutral and non-aligned countries. The third world model can be seen in developing countries like Asia, Africa and Latin America. This model is based on Western-liberal democratic model of political development. This model also tries to provide freedom, liberty; social, cultural and political rights in the society because their democratic institutions and value are not as developed as those in Western liberal democratic country.

Third World countries are categorised as countries which stayed non-aligned with NATO or the Communist camp during the Cold War. This term divides the countries of the world into three parts based on political, social, cultural and financial separations. The Third World includes several nations with colonial histories in Africa, Latin America, Oceania and Asia. It was also sometimes taken as synonymous with nations in the NAM (Non-Aligned Movement). Scholars like Raul Prebisch, Theotonio dos Santos, Walter Rodney and Andre Gunder Frank who are associated with the Dependency theory, have concluded that the Third World has also been associated to the global financial partition

as margin nations in the world system that is dominated by the centre nations (Tomlinson 2003: 307-321).

Because of the multifaceted past of developing senses and perspectives, there is no utter meaning of the Third World. A few nations in the Communist Bloc, like Cuba, were generally included in Third World. Due to several Third World nations were tremendously poor and non-developed; it became a tendency to indicate to poor nations as Third World nations. The Third World term is also used to incorporate recently industrialized nations such as India or China. Previously, a number of European nations were component of the non-aligned movement and a small number of them were very wealthy, including Ireland, Switzerland and Austria. Since several years, the term Third World has been exercised interchangeably with the least developed countries (LDC), Global South and developing nations to explain poorer nations. These countries fight to achieve stable financial growth, a term that generally incorporates Second World nations like Laos; has become less favoured in current duration (ibid).

The last “1980s and starting 1990s has had contrary impacts on Third World studies and development studies. One side, the disintegration of the former Soviet bloc has made the spirit of ‘non-alignment’ of the Third World no longer significant. On the other side, the nature of post-communist transformation has led various thinkers to study transition in terms of development” (Shu-Yun Ma 1998: 339-348).

## **Review of the Literature**

The study deals with political development in Kazakhstan, which focuses on both theoretical and practical portions of political development. In theory, all the aspects of political development will be dealt. In the practical aspects, literature of political development in Kazakhstan *viz.* political system, political institutions, political mechanism etc. will be analysed. The theme of research would try to analyse all kinds of political development in Central Asia in common, and Kazakhstan, in special.

### ***Theoretical Aspect of Political Development***

This study deals with the conceptual understanding of political development.

Before discussing the political development, it is essential to understand the development as a process. As far as development is concerned, it was evolved by the social scientists for the guidance of new nation-state in the post-Second World War period. It is related with social change like moving from less-efficiency to more-efficient social setting. The idea of development is described as more organized efficient and effective form of the system or institutions. It is a comprehensive, dynamic and changing concept. In this way we can say that development is involved for better changes in all spheres of life i.e. social, economic and political, which are connected to national and international perspectives. So, in this study we will try to connect Kazakhstan with national and international sphere in terms of political development.

The Western-Liberal Democratic Model of political development has an emphasis on industrialization, liberal democracy and market economy. Liberal view of political development concerns about democratic values. The States which have established democracy are more politically developed than the countries which have not. The political systems of less developed countries are based on traditional institutions and follow traditional way of life in the system. Social mobilization is a process of changing the population from traditional to modern way of life (Deutsch 1966). It means that it has the capacity to mobilize the people in modern and reasonable way. According to liberal thinkers such as, Lucian W. Pye, Samuel P. Huntington and Gabriel A. Almond, political development may be regarded as the capability of political institutions to deal with its critical problems more effectively and democratically instead of changing demands and aspirations of the people. Gabriel A. Almond explains that political development is the acquisition of fresh potential in the wisdom of an expertise role, structure and distinguished approaches which together give a political system the possibility of responding efficiently and more or less freely, with a new range of troubles in the system (Almond 1963). The Western-Liberal Democratic Model of political development is a process in which a system or institution can change into stronger, skilled and more effective form so that it can fulfil the interest of society.

As far as Marxist-Leninist Model or Soviet Model of political development is concerned, it believed on movement for the welfare of depriving class. This theory

depends upon the view of Marx and Lenin which has influenced the world economy through the revolutionary way. This model identifies two classes in the society. One class is bourgeois and the second is proletarian. C. H. Dodd says that the crucial middle element in the pattern of development is the bourgeoisie (Dodd 1972). According to S.P. Varma, in the beginning of the 20th century Soviet Union faced problem of industrialization and modernization like the western countries, but it adopted a different machinery to solve these problem. This new model was the Marxist and Leninist Model of social change (Varma 1975). The Marxist-Leninist Model or Soviet Model of Political Development is criticized for being one sided orientation. Therefore; this model cannot be applied to all countries of the world society.

### ***Constitutional Mechanism and Political Development***

A Constitution is a set of fundamental rules for governing the politics of a State. It is a way by which any country tries to gain the goal of socio-economic and socio-political self-reliance. As far as Constitutionalism is concerned, it stresses on the limited authority of government, welfare of people and Constitutional law. In other words, Constitutionalism emphasizes on limited government and rule of law in any country.

As far as Constitutionalism in Kazakhstan is concerned, Kazakhstan declared independence from the Soviet Union in 1991, so Kazakhstan Constitution was influenced by the Soviet Union at large. After independence, the Republic of Kazakhstan adopted a new Constitution which is different from the former Soviet Union. The Kazakh Constitution describes as a secular, sovereign and democratic country (Badan 2001). Kazakhstan Constitution has established the presidential form of government with unitary system. It has established a democratic political system, but grants all the powers to the President of the Republic. There is no post of the Vice President in the country. The new Constitution of Kazakhstan of 1995 indicates separation of power and checks and balances. The top delegate body of the country, which carries out legislative roles, is the Kazakh Parliament. It comprises of two chambers the Senate and the *Majilis*, working on a permanent basis. The Senate has 47 seats and the *Majilis* has 107 seats. The term of the Senate is 6 years and the *Majilis* is 5 years. The Constitutional mechanism of the

Republic is based on the democratic principles.

The first Constitution of the independent and sovereign Republic of Kazakhstan was adopted in January 1993. According to official sources of the Republic, the referendum held in August 1993 attracted 91 per cent of suitable voters, of which 89 per cent endorsed the Constitution. The scholar, Ian Bremmer and Cory Welt examine that the first Constitution of independent Republic was accepted with great majority, it means the people of the Republic accepted the Constitution warmly (Bremmer and Welt 1996). The Constitution of Republic provided equal opportunity to all the people of the country. The Constitution declared neutrality in the matter of religion of the society. Within the two years of the first Kazakh Constitution, the Second Constitution of the Kazakhstan was adopted in 1995 by a popular referendum. E. Curtis Glenn explains that the Constitution of the Republic of Kazakhstan guaranteed equal rights to all nationalities and prescribed equally Kazakh and Russian as official languages. The Kazakh President, legislature and the *Supreme Kings* or Supreme Soviet are to be elected by universal adult suffrage for five year terms in the Republic. The head of State is President and the second component of the executive branch is the Council of Ministers, key members of which are appointed by the President. The Prime Minister who is head of the Council of Ministers is the appointing authority of the other ministers (Curtis 1996). The Constitution of Kazakhstan provides the President supreme authority in all spheres of political system. Mukesh Kumar Mishra argues that after the first Constitution of 1993 and the second Constitution of 1995, the Constitution was amended in October 1998. It extended term of the President from five years to seven years. The first presidential election of the Republic of Kazakhstan under the amended Constitution was held in January 1999 and Nursultan Nazarbayev was elected for first seven-year term of the region. The second election was held in December 2005. The Constitution of Republic in May 2007 was further amended to again fix two terms for any President and decreased the term of president from seven to five years in the region. President Nazarbayev and his government stressed on constitutional amendment on 16 May, 2007 which enhances the authority of the Parliament (Mishra 2008). The amendment transformed the Republic from Presidential to Parliamentary and enhanced role of the Parliament. Anthony Clive Bowyer examines that a number of amendments in May 2007 in the Constitution have provided the Senate and

*Majilis* to serve as a check and balance over the executive branch. The constitutional amendment granted the decision making power including legislative powers to the *Majilis*. No confidence motion against the government can be moved by two third majorities. Senate can appoint two members of the Constitutional Council as well as two members of the Central Election Commission of the Republic (Bower 2008). In 2007, both Chambers of House gained check and balance power over the Executive.

### ***Democratic Institutions and Political Development***

The idea of democratic institution is based on the democratic values imbibed in the society. For better understanding the democratic value, it is essential to understand democracy. Abraham Lincoln notably quoted that democracy is the government ‘of the people, by the people, and for the people’. However, this kind of democracy appears to be only ‘represented’ and not ‘participating’ in a true sense. Democracy is mainly based on both, formal constitutional formations and a broader formation of pluralist power relations in system. For democracy to flourish, both the governmental and the non-governmental actors should play active role for the welfare of the society (Badan 2001). Since independence, Kazakhstan has adopted democratic values in its political system and liberal norms in economic sectors. So far as democratic institutions in Kazakhstan are concerned, these democratic institutions are executive, legislative; judiciary, political parties, electoral commission and mass media etc. and these institutions play a significant function in the political development of the country.

Mukesh Kumar Mishra pointed out that the 1993 Kazakh Constitution shaped a unicameral parliament, which was to replace the 350 seat Supreme Soviet when the mandates of its deputies expired in 1995. The 1990 parliament, which was created out of the former communists, was dissolved early under the force of President Nazarbayev in December 1993 in order to pave the way for a smaller and most probably more flexible parliament (Mishra 2009). After the disintegration of the Soviet Union, the President of Kazakhstan tried to control the political system in his favour. Prof. Phool Badan argues that the President of the Republic is the head of the State and he has the power to return the draft to legislation in the future. The President of the Republic, with the permission of



the Parliament, appoints the Prime Minister, Deputy Prime Ministers, Ministers of Foreign Affairs, Defence, Finance and Internal Affairs, the Chairman of the National Security Committee and the Head of Diplomatic Representative Offices etc. The President consults with the Parliament, decides about referendums, Judges and Chairman of the Kazakh 'National Bank'. He is the chief of the armed forces (Badan 2001). It means the President is the head of executive in all fields of political system.

As far as the judiciary is concerned, the judiciary is the prominent democratic institution. In the Republic, the judicial system is the least developed of the three branches of Kazakh Government. The Kazakh Constitution preserves the provision of presidential appointment of all judges in the country. The 1993 Constitution specified the terms of service for judges. The 1995 Constitution the term of service has not been mentioned, signifying that judges would serve at the discretion of the Kazakh President (Curtis 1996). According to Kazakh Constitution of 1993, a line of judicial authority was poorly defined because the country had three 'highest courts' in the region. Prof. Phool Badan has examined that the judicial authority in the State is independent and subject only to the Kazakh Constitution and laws. The judicial power is exercised by the Constitutional Court, the Supreme Court and the higher arbitration court of the country. The judges for these courts are elected for a term of ten years (Badan 2001).

As far as the political party is concerned, after dissolution of the Soviet Union, Kazakhstan has initiated the political development in several spheres, like public oriented constitutional amendment, judicial system, Parliamentary system, and political parties. At present, several political parties are functioning in Kazakhstan. There is a multi - party system. The major political parties are playing very important role in the political development. The ruling party is known as *Nur-Otan*, which dominates political institutions. Anthony Clive Bowyer pointed out that, outside of *Nur-Otan*, the recent political parties in the country can be grouped into three categories: Pro-presidential, 'Soft' Opposition and 'Hard' Opposition. Among the recent Pro-presidential political parties, there 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. In the category of Hard Opposition, the political

parties are listed who are mostly opposed to the current leadership, including the All-National Social Democratic Party, *Azat* (formerly *Naghyz Ak-Zhol*) and the unregistered political movement *Alga* (Bowyer 2008). Thus, the *Nur-Otan* is in authority among all parties to lead and operate the political system.

### ***Civil Society and Democratic Political Culture***

Civil society consists of associations, union and organizations that assist and look after people, their life, health, rights, liberty and property. According to the World Bank, the term civil society indicates the broad range of non-governmental and not-for-profit organizations which have an existence in people's existence, expressing the interests and values of their members or others, based on political, cultural, scientific, ethical, religious thoughts. Civil society organizations therefore refer to a wide array of organizations: community groups, non-governmental organizations, labour unions, indigenous groups, charitable organizations, faith-based organizations, professional associations, and foundations (Qayyum 2012).

As far as political culture is concerned, it is a conventional tendency of the people of a country toward political affairs, affecting their insights of political authenticity in the governing system. It also indicates the model of attitude, and suppositions ordinary people have towards the international sphere, as these pertain to political affairs. The Political culture is created cognitive, affective and evaluative directions towards the political system and institution.

As far as civil society and political culture in Kazakhstan are concerned, it is important to have a glance at NGOs, mass media, and political participation in the country. Phool Badan has focused that in the Republic of Kazakhstan, more than 600 local newspapers and magazines are published in Kazakh, Russian, German, Ukrainian Uighur, Korean and Uzbek languages with an annual circulation of about 590 million copies. The official State publications of the country are *YegmenKazakhstan* which was started publication on 17 December 1919, with a circulation of about 55,000, and *Kazakhstan Skaya Pravada*, which started from 1 January 1920, with almost the same amount of circulation as the former. In the Republic, radio programmes are broadcast in six languages and the

television programmes cover more than 90% of the population (Badan 2001). It shows the activity of mass media as a vibrant society in the Republic of Kazakhstan. But when we see the other aspect of mass media, it shows negative things about it.

Charles E. Ziegler (2010) has argued that in the region, mass media faces restraints on fair coverage, and mostly mass media are either political leader possessed, politically managed, or in the hands of the President's relatives and followers. In the region, publishers and journalists usually use self-censorship because of Government stress. The media can face criminal charges if they report negative of the respect of the President and his relatives. In the Republic, Kazakhstan's Ministry of Information has adopted an oppressive view towards the journalist, looking for constraint critical outlets. The Internet is being much important as an instrument of the political opposition, mainly among city inhabitants, though the government monitors websites in the region. The Government adopted legislation categorizing all internet websites in July 2009, chat rooms and blogs as 'media outlets', making internet users subject to the same limitations forced on other journalist and reporters in the region. Civil society is active as media, but relatively ineffective in influencing Government affairs (Ziegler 2010). Thus, the civil society, media and NGOs are not in good conditions. Charles E. Ziegler has argued that as far as political participation of Kazakhstan is concerned, they see it as cooperative with the system rather than system challenging acts.

A study observation performed in the Western Kazakhstan *Oblast* votes respondents on perceptions about political participation. The 46 per cent of citizens of Kazakhstan agree about most effective forms of political participation in the Kazakh was the electoral system. Further, 30 per cent agree about participating in the acts of political parties was most effectual, 12 per cent talk about participating in the task of the organs of authority, and 11 per cent talk about unconventional involvement. About preferred participation by the people of Kazakhstan, 56 per cent replied voting, with 20 per cent answer political party acts. The majority 52 per cent says that elections in country were carried out in severe agreement with the law and basic democratic values; 28 per cent agreed that while elections were mainly legal and democratic, there were generally power politics (Ziegler 2010).

### *Socio-economic Challenges to Political Development*

After gaining independence from the Soviet Union, Kazakhstan has been facing various challenges by the internal and external environment. In the political system of Kazakhstan, every seat in Parliament is occupied by members of the President's ruling coalition. The State tightly controls the press and the electorate. For years, Nazarbayev has appointed all major officials, down to judges and elected officials at the district level. The President of Kazakhstan indicated terrorism, extremism and drug trafficking as the three major problems facing the world society in the present era. The country is also struggling these treats which are an obstacle to the national development.

Jim Nichol has pointed out that Kazakhstan is facing challenges such as political conservatism, terrorism, human rights, weak civil society and ethnic problems etc. Since 2003 Kazakhstan has been facing the problem of terrorism. A few of the group are working against the Republic. In 2011 several bomb attacks occurred in Kazakhstan. According to the Human Right Watch, human right condition of the citizen is worse in the country. NGOs, Mass media restraints, freedom of assemblies remain restraints in 2011 (Nichol 2012).

Kuralay Baizakova has further argued that Kazakhstan is lacking an effective political party system. Political parties are not popular among the people and do not reflect the mood of society. That is why, there is no strong party system and citizens are lacking in political culture and awareness. One of the major challenges in Kazakhstan is the performance of the local self-governance and its relation to the Central government (Baizakova 2006). It means that the Republic of Kazakhstan is facing a lot of challenges from internal spheres. Other challenges include multi-ethnic representation in the governmental, judiciary and other areas of social and economic life of the society. The Kazakh President and other top officials and judges are also Kazakh. In the Republic, regional and ethnic divisions are profound (Kanter 1993).

Anatoly M. Khazanov has inferred that the scarce resources of Kazakhstan have forced the different ethnic groups to go for fierce competition and conflict with each other. They are now facing each other with opposing self-interest and conflict. In the past,

the Soviet government tried to unify the different ethnic groups imposing the dominant Russian culture. The Soviets tried to link the ethnic identity with the territory and give them the ethnic-territorial freedom, but it didn't work. In fact, this led to the emergence of a new kind of intelligentsia there whose competitive advantage was dependent on their privileged position (Khazanov 1995).

Bhavna Dave explains that the main aim of the country's privileged persons is to increase the position and dignity of the Kazakh language, remarkably defined as the significant cause to strengthen the citizens of the Republic of Kazakhstan (Dave 2007).

Kuralay Baizakova argues that the National Commission on Political Reforms is trying to democratize Republic based on conversation with all parts of the region. Civil Society and the National Commission on Democratization have been authorized to guide the procedure and provide the recommendations to the Kazakh President. The Constitution of Kazakhstan ensures checks and balance, division of powers, freedom and security of the people. The most significant point of the reform is the decentralization of the executive authority and enhancement of the efficiency of the regime. The Kazakh President has announced the administrative reforms on decentralization of power at the local level for which the three tasks were outlined. These areas are about the improvement of the administrative services, reduction of bureaucratic hurdles and optimization of the performance of the State personnel. Kazakh is not in a hurry to develop democratic institutions and multi-party system (Baizakova 2006). The Republic of Kazakhstan is passing through the transition period and thus, has to solve arising challenges for political development in Kazakhstan.

There is a lot of literature regarding political development of the different countries but there is a scarcity of availability of literature on Kazakhstan. This study is an attempt to fulfil the existing gap of the research. The study would like to discuss political institutions, political mechanism, political parties, judiciary, mass media, NGOs, and other relevant organizations.

### ***Significance of the Research***

The study is an attempt to understand the political development of Kazakhstan in the post-Soviet period. The study is significant because of evolving political development of the country. Although Kazakhstan, has been moving towards democracy which has not entirely departed from its Soviet traditions of authoritarianism. The country is in the process of transition and could not evolve into a democratic framework in true sense. The country has democratic institutions, but in practice, they are fragile. The political system is in the evolution and has not accommodated the modern value of democracy fully. Therefore, the study gives insight to know about political development, political culture and political system. The proposed study will also address the functioning of political institutions, the nature of the political system, political development and challenges faced by it in this process. The study further examines the transition of political system of Kazakhstan from 1991 to 2011.

The study analyses the political environment or political development of Kazakhstan after the disintegration of the USSR. In the process, it also deals with historical and political turmoil in Kazakhstan for better understanding of the political system. The study also focuses on the political parties and their role in the development process of the country in the formation of the democratic political system. The time frame of the study has been taken from 1991 to 2011. Kazakhstan got its independent from the USSR in December 1991. The Republic has adapted its first Constitution in 1993 and second through referendum in 1995 which was amended in 1998 and 2007 respectively. The proposed timeframe is important because since 1991, the President has been in power. The presidential elections were held in 1999, 2005 and 2011 respectively. . Kazakhstan completed its 20<sup>th</sup> anniversary in 2011, since the independence and has witnessed turmoil as well as accomplishments in various spheres which make it an interesting study to understand the process of political development in a region of Central Asia which can also be a guide for many other countries in the region. So, this is another important factor for the study the period.

### ***Research Questions***

Following research questions will be attempted during the course of the research-

1. What is political development?
2. Whether the Soviet political system has any influence on the Kazakh political development?
3. How has Kazakh political system evolved in the post-Soviet period?
4. Whether the constitutional mechanism leads to the establishment of a democratic system in the Republic?
5. How the concept of separation of powers is implemented in the political system of the country?
6. Whether judiciary has been playing any important role in the democratic process in Kazakhstan?
7. How effective is the rule of law in the Republic?
8. How the Electoral Commission is working in the country?
9. What is the nature of political participation and function of political parties?
10. Whether civil society and media have played an important role in political development in Kazakhstan?
11. Why there is an absence of democratic culture in the Republic?
12. What are the challenges faced by the Republic in its political development?

### ***Hypotheses***

Following are the hypotheses of the proposed research study-

1. Concentration of power in the hands of the President of the Republic has weakened the democratic political development in Kazakhstan.
2. Weak civil society has failed to create institutional awareness and mechanism which are necessary for strengthening democracy in Kazakhstan.

### ***Research Methodology***

The study is based on the historical, descriptive and analytical methods of research. The study is also based on critical analysis of the political development in Central Asia in general and Kazakhstan in particular. It further intends to study numbers of variables such as parliament, executive, legislative, judiciary, political party, civil

society, separation of power, rule of law and media, etc in order to have a comprehensive understanding of the political development in the country. The study also uses the inductive and deductive methods of research.

During the course of study, various laws and constitutional amendments related to Law to Improve Government Institutions and the Constitution of the Republic (1990), Laws on Elections of the President of the Republic (Oct. 1991 & Dec1991), Constitutional Law in the Division of Power in Legislative, Executive & Judicial branches of the Government (Dec. 1991), Law on freedom of Belief and Religious Organization (1992), The Law on Trade Unions (1993), Law on Civil Code (1994 & 1999), Law on the State Registration on Legal Entities (1995), Presidential edict related to Constitutional Law on Courts and Status of Judges of the Republic of Kazakhstan (Dec. 1995), Law on Political Associations (1996) will be used. Besides, the proposed study would also consult the Law on Mass Media (1999, 2001, 2009), Presidential decree on “Measures Aimed at Strengthens the Independence of Judiciary System (Sept.2000) and Constitutional Law on the Judicial System and the status of the Judges of the Republic of Kazakhstan (Dec. 2000), Law on Non-Profit Organizations (2001) and the Law on Political Parties (2000), etc.

The primary and secondary sources are consulted for the study. The primary sources of the data include Kazakhstan Constitution, constitutional amendments, presidential decrees, Government reports and resolution and speeches of the official leaders of the Kazakhstan. The secondary sources are books, journals and articles as well as internet sources. The relevant information from the lectures, seminars, workshops and symposium are also used to fill the gap in the research.

### ***Research Plan***

The first chapter focuses on political development in Kazakhstan. In this chapter an attempt has been made to highlight the theoretical aspects of political development, different models of the political system and its suitability to Kazakhstan. This chapter also highlights Constitutional provisions and system of governance, democratic institutions, civil society and development of political system in Kazakhstan.



The second chapter discusses the political background of Kazakhstan in historical perspective. It also throws light on the different phases of political development. In this chapter, attempts have been made to focus historical development of pre-Soviet period, Soviet period and post-Soviet period.

The third chapter deals with the working of the Constitutional mechanism and political development in the Republic. While doing so, it analyses the functioning of the Constitution in critical perspective. It also explains the system of governance and its working in Kazakhstan. The study throws light on the different phases of political development in the Kazakhstan.

The fourth chapter is related to the democratic institutions and electoral process of the republic. It also analyses the functioning of institutions like judiciary, party system, media, etc. The chapter also shed light on the civil society and its role in the promotion of democratic political culture in the republic.

The sixth chapter made an effort to study the socio-political and economic challenges and problems as well as a weakness which has been influencing the political development in the republic. The study also discuss of obstacles such as authoritarian political system, drug trafficking, human trafficking, ethnic problems which are the major challenges in the development of a democratic political system in Kazakhstan.

The concluding chapter summarizes the findings of the study and the broad conclusions drawn. This chapter also throws light on the gaps in the existing knowledge and attempts have been made to fulfilment the gaps.

## Chapter- 2

### Historical Background

After the disintegration of the Soviet Union, Kazakhstan became an independent country in December 1991. Since independence, Kazakhstan has been following the democratic lines of political development. The political development of Kazakhstan was historically influenced by the subsequent Iranian, Turkic, Mongols, Kazakh Khanates and Russians. The Kazakh political development has largely been influenced by Russians. The control of power in the hands of the President has influenced the democratic process of the country. In this way, it is interesting to see how Kazakhstan proceeds in political, economic, and social areas of development. The scholars have been interested to see whether it would continue to be an authoritarian State or would depart from it and adopt the democratic model for its political development. But in reality, it is a mixed system which does not have clear characteristics of either system. Therefore, the present study intends to analytically bring out various stages and processes involved in the political development of Kazakhstan. The disintegration of Soviet Union was a transition phase of the international history because America emerged as the only superpower of the world. In this transition phase, Kazakhstan faced problem of developing itself as a democratic, secular and sovereign State in the world community.

In order to have a better understanding of the political development, it is essential to discuss the historical background of political development in Kazakhstan. It can be divided it into two parts:

(1) Pre-Soviet period

The pre-Soviet period again can be divided into two phases-

(a) Pre-Tsarist political system

(b) Tsarist political system

(2) Soviet period

**(1) Pre-Soviet period**

### **(a) Pre-Tsarist political system**

The history of Kazakhstan expresses the human being in Eurasia's biggest sector of the Steppe zone, house and hamlet for various individual groups. The changes in environment affected huge replacements of residents inside and outside of the Steppe zone. The aridization time which proceeded from the last part of the second millennium to the starting of the first millennium BC reasoned depopulation of the arid zones and river valley oasis regions. Residents of these regions moved north to the forest-Steppe belt. In the beginning of the first millennia BC, rehabilitating discarded from the western and the eastern part of the country. The growing Hunnic realm in the third century BC incorporated the entire of Kazakhstan among its areas. The Hunnic Empire wrapped up twenty six free territorial ownerships, integrating many steppe and jungle persons into a sole country. Later than the Eastside Hunnic realm downfall, the Tele Kazakh people, as recognised in the records of China as *Tiele*, created tribal unions which became a significant local authority.

The pre-Turkic period started in the Bronze Age and includes the period of Andronov tribes and the early nomads or 'Saka period'. The territory of Central Asia was populated by tribes, referred by Persian sources as the Saka. The pre-Turkic tribes also included the Usun and Kaugli tribes. In the 3<sup>rd</sup> and 2<sup>nd</sup> centuries B.C. the Usun Tribal Confederation arose in Southeast Kazakhstan and tribes belonging to the Kaugli tribes union inhabited the Southwest. The culture of societies was basically nomadic. The Sakas were the first ever horsemen in the world to master arrow shooting at full tilt. In 6th-7th centuries BC, the Sakas set up their first State with its centre in the Zhetysu (Semireche) region. The king of the Sakas simultaneously performed the task of high priest. They had their own written language, mythology and art forms. In the Issyk burial mound that yielded the famous 'Golden Man', the archeologists have unearthed a silver bowl having an inscription consisting of 26 characters on it (Abhishev 2002: 6).

In the line of the above description, Curtis says that individuals have settled modern Kazakhstan from the Stone Age, usually following the wandering pastoralism for which the nation's environment and land are more appropriate. In the Bronze time,

way of life widens into Kazakh land incorporating the Srubna civilization, the Afanasevo civilization and the Andronovo culture. The Republic was home to the early wandering fighter traditions, the *Saka* and the *Huns* amid 500 BC and 500 AD (Curtis 1996).

Under the pre-Soviet period, the process by which Kazakhs have become a nation involves a complicated and continuous historical ethno-genesis. Otarbaeva describes three historical phases in the history of Kazakhstan i.e., the pre-Turkic (18th century B.C. to 4th century A.D.), the Turkic (4th century A.D. to 13th century) and the Turk-Mongolian period (13th century till 15th century) (Otarbaeva 1998: 34).

The Qarluqs, a confederation of Turkic tribes, set up a State in 766. Arabs won some parts of southern Kazakhstan in the 8th and 9th centuries that commenced Islam. From the 9<sup>th</sup> to the 11<sup>th</sup> centuries, the Oghuz Turks regulated western Kazakhstan. The Turkic origin Kimak and Kipchak peoples regulated the east. The Cumans regulated western Kazakhstan nearly from the 1100 AD to 1220 AD. Kipchak plain or Dashti-Kipchak is continuing called to the large central desert of Kazakhstan.

Astana, capital of Kazakhstan was residence for a number of Huns and Saka. The Qarluq confederation in 9th century created the Qarakhanid State, which then defeated Transoxiana, the northern and eastern region of the Oxus River means Amu Darya. In starting of the 11th century, the Qarakhanids struggled constantly amongst themselves and with the Seljuk Turks to the southern part. The Qarakhanids that had converted to Islam were defeated in the 1130s by the Kara-Khitans, a Mongolic citizen who moved west from North part of Chinese territory. After the Mongol control of the Kara-Khitans by Genghis Khan in 1219-1221, The Kazakh Republic fell under the control of a succession of rulers of the Mongolian Golden Horde which was the western division of the Mongol kingdom. The horde is the forerunner of the current clan. The ruling organization had divided into numerous huge parts in beginning of the 15th century known as khanates, together with the Nogai Horde and the Uzbek Khanate (Curtis 1996).

By Janybek Khan and Kerey Khan, the Kazakh Khanate was established in

1465 on the banks of Zhetysu or many rivers in the south east area of current Kazakh Republic. From 1511-1523, the ruling time of Kasym Khan, the Kazakh Khanate extended significantly. The laws of first Kazakh code was instituted in 1520 by Kasym Khan which knew it 'Qasym Khannyn Qasqa Zholy' or Bright Road of Kasym Khan. At this stage, the Kazakh Khanate regulated components of Central Asia and be in command of Cumania. The Kazakhs wanderers would search citizens of Russian terrain for slaves until the Russians won Kazakh State (Olcott 1995: 3-4).

The former Soviet Central Asia did not include Kazakhstan as its part. In spite of cultural and ethnic connectivity, it is geographically different from the Central Asia. The Tsarist and Soviet authors have always been considered as a separate unit to this Steppe area. Devendra Kaushik argues how the political merger of the native people of Central Asia with Turk tribes in the Kara Khanid State produced in severe dealings of close nearness. The Kazakh ethnic development started primarily based on steppe Sakas and Usuns tribes, in which Huns also played a significant role (Kaushik 1970: 13). Moreover, the Turk khaganate and early medieval States of south Kazakhstan also assisted in this procedure. The Kazakh national group come out from the combination of Turk tribes of the Kypchak and steepe tribes. The collapse of the Golden Horde that commenced during later period of the 14th century manipulated the ethnic development of the country as well as Central Asia. In the middle of the 15<sup>th</sup> century, due to feudal dissolution small, principalities developed in the Basin of Chu River, slowly developing in to Kazakh Khanate in the 16<sup>th</sup> century which included the formation process of Kazakh national group. In the beginning, the inhabitants of the Khanate were called Uzbek-Kazakhs and afterwards only Kazakh (Kaushik 1970: 20-23).

The premier identity of Kazakh recognition prior to Russian wining was their Zhus means Horde or hundred- great, middle and small. In addition to their main connection to earlier inherited links-the relatives was based on clan and auls-which through their capacity to distribute land, control worriers and collected taxes, commanded even more faithfulness (Bremer 1996: 180). The nationalities of Central Asia represent a complex mixture of various ethnic groups of antiquity. Devendra Kaushik argues that in spite of their common history and joint effort against overseas attackers which supported

their tie, each group at the same time also conserved its separate civilizing characters. Afterwards, this dissimilarity was the basis on which diverse nationalized groups in Central Asia were shaped. He further argues that under the Khans of Uzbek dynasties earlier, the situation of national consolidation emerged, but soon after the rule of Khan's, it was not favourable for national consolidation. He opines that the Mongol conquest; war between Khanates, stagnation in agricultural productivity, and the low level of development of productive forces adversely affected the formation of national group (Kaushik 1970: 24-25).

Haknazar Khan, Esim Khan, Tauke Khan, and Ablai Khan were other famous Kazakh khans. The Kazakh Khanate did not forever have an integrated regime. The Kazakhs were separated into three components on the basis of their customs and belief- the Great Horde, Middle Horde, and Little Horde. All Hordes of Kazakh Khans had to have the same opinion in order to have a common khan. Especially in 1731, Kazakh leadership was not capable. Further, the three Hordes were integrated into the Russian kingdom subsequently. Thus, Khanate of Kazakhstan no more survived (Roudic 2007: 50).

Prior to Russian invasion, the Central Asia people's civilization and social and political existence did not differ greatly from the established and roaming people in other parts of the Muslim world. At that time, Central Asia was divided into three native khanates of Kokand, Bukhara and Khiva. The khanates were backward feudatories which were ruled by khans and emirs in the region (Badan 2001: 22).

#### **(b) Tsarist Political System**

Kazakhstan was captured by Russia in 1730s and finally the area was changed into a colony of Tsarist Russia. The procedure was difficult and conflicting, as this lasted for more than 130 years and took place under a diversity of external and internal circumstances. That time ought to realize that a huge territory of the small or Little or Younger *Zhuz* (Horde) and definite areas of the Middle *Zhuz* means the west part of Kazakhstan, central part of Kazakhstan and north-eastern part of Kazakhstan were occupied to Russia by calm way between the mid-eighteenth and starting of nineteenth

centuries. In addition to the South part and South-eastern parts, the territory of the Great or Elder *Zhuz* were detained by Tsarist Russia in the 1850s and 1860s by armed power. Due to Russian capture of Kazakhstan, the khanate's system was destroyed. The achievement of Kazakhstan's capture to Russia coincided with the freeing of the serfs in Russia in 1861 and the functioning of numerous improvements aimed at improvement of bourgeois social relations. Kazakhstan was influenced by all this things. For industries, Kazakhstan had a growing demand for inexpensive sources of raw materials and for markets (Nurpeis 2005: 247).

The Russian realm created a new imperial plan in 1863, declared in the Gorchakov Circular, emphasizing the right to capture 'troublesome' parts on the empire's boundaries. The continue plan led instantly to the Russian occupation of remaining Central Asian region. In addition, this policy creates the two administrative districts, the Governor-Generalship of Russian Turkestan and that of the Steppe belt. Mainly the current Kazakhstan was in the Steppe District, and parts of current south part of Kazakh, with Almaty, were under the control of Governor-General. The last distraction of wandering started in the 1890s, while several Russian colonists were introduced into the productive areas of north part and east part of Kazakh. Between Orenburg and Tashkent, the Trans-Aral Railway was completed in 1906. More than a half-million Russian farms between 1906 and 1912 were started as part of the reforms of Russian Minister of the Interior, Petr Stolypin. He affected customary Kazakh mode of living by capturing grazing terrain and using limited water resources (Curtis 1996).

The consolidation of Central Asia by the Tsars was completed by the last quarter of 19th century. Russia conquered and annexed the Khanate of Konkand and reduced the size of the other two khanates of Bukhara and Khiva which had been drawn in to the orbit of the empire as a 'vassal States'. Tsarist Russian government supported the thrones of their Khan and Emir with its troops and helped the despotic ruling circles of these feudal States to exploit their toiling masses in various ways. Turkestan, Bhukhara and Khiva were mainly agricultural regions. In 1913, only 19% of total population lived in towns and urban settlements. In fact, the process of capitalist development in Central Asia followed very slowly and unevenly because Tsarism and the Khiva purposely tried to

preserve the feudal and patriarchal system (Kaushik 1970: 65-66).

Situation in Kazakh Steppe gradually worsened because of the Russian peasant immigration. Such immigration became acute during the Stolypin's agrarians reforms (1906-1917) after the Russian Revolution of 1905. It social reform was basically expected the destruct Russian countryside society as well formation of powerful and free relatives farms. The Government of Russian allowed selling and purchasing of terrains. The local authoritative partition of the Steppe belt of Kazakh into governorships and the recent into *Vollosts*, *Okrugs* and so on crushed both, the conventional structure of Kazakh society and the old arrangement of migrant cows rearing. It did not take into account of the tribal character of the utilization of area and in addition the antiquated methods for pondering and disallowing the Kazakhs of one organization unit to nibble their steers on the domains of different units (Kendirbay 1997: 472).

The administrator for Turkestan i.e. present Kazakh State, Vasile Balabanov was liable for the Russian relocation during this time. During ravenous and emigrant, numerous Kazakhs connected joined the Central Asian Revolt against recruitment into the Russian imperial military, which the Tsar ordered in July 1916 as part of the endeavour against Germany in First World War period. Russian forces in late 1916, cruelly repressed the armed resistance to the taking of territory and recruitment of Central Asians. A great many Kazakhs were killed at that time, and a large number of others fled to China and Mongolia. Numerous Kazakhs and Russians battled the socialist takeover and opposed their control until 1920. In 1917, a group of secular patriots called the Alash Orda Horde of Alash, named for an unbelievable originator of the Kazakh individuals, endeavored to set up an autonomous national government- the Alash Autonomy. This State lasted for a little more than two years, 13 December 1917 to 26 August 1920, preceding surrendering to the Bolshevik powers, who then tried to protect Russian control under another political framework (Curtis 1996).

In the starting of twentieth century, Russian culture itself, depleted of despotic and incapable administration, was desire change and wise changes. The nation's old and awkward organization as tsarist dictatorship was coming into developing irregularity with



the current inconvenience and improvement of Russian culture. Clearly, Kazakhstan's monetary and social backwardness frightened the informed area of the Kazakh individuals, driving it to the aspiration of restoring a nation-State and making a political party. The thought of protecting the ignorant and generally mistreated Kazakh populace against the autocracy and persecution of the tsarist powers progressively grabbed hold of numerous informed Kazakhs who had learned at and moved on from educational foundations, especially in Russia and Europe (Nurpeis 2005: 253).

At that time, the emergence of newspaper and magazines and the beginning of books printing was a significant innovation in the life of the region. It paved for prosperous cultural life in Central Asia. At the same time numerous other movements were also going on. Among these movements the 'Cholera riots' in Tashkent and the uprising of 1916 throughout the entire Turkestan can be described as a popular liberation struggle against colonial rule. The rising of 1916 was suppressed by Tsarist rule due to unorganized and no common guidance centre. Nevertheless, it played a very significant role in the history of the people of the colonial land. It did not aim at secession from Russia, but only at freedom from national colonial oppression. The mobilized workers became the vanguard of peoples in Turkestan (Kaushik 1970: 77-79).

## **(2) Soviet Period**

The Soviet period started with the restoration of Kazakh Statehood on the origin of Soviet influence; in addition to the class values confirmed by Lenin and his close acquaintances, Bolsheviks. The end of the Civil War from 1918 to 1920 (August 26, 1920), Kalinin and Lenin signed the Soviet Government's decree, 'On the Formation of the Autonomous Kyrgyz (Kazakh Autonomous) Soviet Socialist Republic within the Russian Soviet Federative Socialist Republic (RSFSR). It assured that the fresh unit integrated the area of Akmola, Torghay, Semipalatinsk and Ural *oblast*'s. In addition to, Semirechye *oblast*'s and Syr Darya stayed in the Turkistan Autonomous Soviet Socialist Republic means Turk ASSR. It was formed under the Bolsheviks' leadership as well as by decision in the spring of 1918 of the fifth Turkistan Congress of Soviets. Due to a national-territorial segregation of Central Asia the both *oblast*'s joined the Kazakh ASSR

in late 1924. In the next part of the 1920s, the governmental-control way that had occupied in the Union of Soviet Socialist Republics and whose picture was Stalinism, conducted tragic experiments that affected the whole Soviet Union, including Kazakhstan. Stalin was targeted that changes in every part of civic existence. For this he forced collectivization of farming, the abolition of the *beys* and prosperous peasants; ‘as a class’, and the compelled permanent settlement of wandering and semi-wandering family units; unfairly high, ‘shock-worker’ rates of industrialization; *Russification* of the local residents , demographic policy, and the nationality issue; establishment of a unified communist principles in all aspects of human life (Nurpeis 2005: 250-251).

The main task before the Bolsheviks, immediately after the seizure of political power in 1917 was how to organize and consolidate it. Political power was organized in the form of the dictatorship of the proletariat, which became the novel feature of the Soviet Political system. The organization of political power into the dictatorship of proletariat was to be made functional through the Soviet workers, soldiers and peasants deputies. The Soviet therefore became one of the main agencies for the functionalization and consolidation of Soviet political system. Once Barrington Moore characterized the Soviet political system as “a curious mixture of police terror and primitive grass-root democracy and pointed to the cyclical recurrence of administrative problems followed by attempts to invigorate the lower levels of the Soviet -administrative chain” (Moore 1965: 403-404).

In Soviet Union, local governments were chiefly concerned with problems of everyday life and in thus much less subject to the structures of sensitive policymaking issues and ideological developments than the Central government. It was true that during USSR, the government reach was everywhere. it does not mean that there were no discontent among people or discontents were not being tolerated. Actually the expressions of citizens discontent served as a signal to the central authorities, informing them of local authorities’ faults and failures. So valuable was this that throughout the Soviet System special pattern of activity and channels of communications was constructed to facilitate the legitimate expression of such discontent (Friedgut 1979: 07-15).

Bremer traces the seeds of democracy in Kazakhstan and points out that the significant sign of the democracy of Kazakhstan comes from pre-colonial period. The politics of clan dictated that aksakals, the leaders of *auls* mens the basic migratory unit met while required to choose *biis* means representatives of clan, who in turn elected Sultans, who in turn approved Khans. However, oligarchic system was efficiently a representative form of Government. Nevertheless, patriarchal appointments on clan-basis were a far cry from popularly elected legislature bodies and even this bit of down-to-earth democratic system was split from current Kazakhstan by nearly two centuries of Russian conquest (Bremer 1996: 180).

During Soviet Union, the works of local government were very much related with everyday activity of the person. Local government was organized relationships with its citizens because of the all-encompassing nature of socialist government in which local government takes responsibility for the actual operation of many services that in another system are subject only to general supervision or licensing by government (Friedgut 1979: 07).

Western political scientist focused their attention upon pressure groups, on Parliament and their Committees, upon laws which enable the individual to speak his mind without fear of retaliation. Soviet parliamentary institution and pressure groups worked differently, for these served as focal points from which the influence of leader is radiated throughout the populace. The leadership group was main working part of the Soviet system was the. Article 6 of 1977 Constitution reaffirmed this fact. The Turkestan Republic became a Socialist State at its very inception 1918. Village Soviet and peoples' courts composed of people of local nationalities who knew the native languages, customs and tradition, were set up almost everywhere in the period 1918-1924. Representatives of the local population constituted the majority in the administrative bodies. Soviet power thus became genuinely popular. One of the beauties of this system was respect for the local custom in Soviet administrative bodies. For instance, if a person was dissatisfied with the Qazi ruling, he/she could go to Soviet court. Gradually Qazi courts first turn in to the courts of arbitration then it disappeared completely (Kaushik 1970: 150-151).

The authoritarian rule recognized in the USSR brought bad luck to the Kazakhs and region person. Around fifty percent Kazakh peoples passed away or were forced to go away from their inhabitant territory to roam through other States. The Kazakh people lost their social customs and traditions. Religion was banned in the republic. The people of Kazakhstan being a national minority in their own territory, and their local language became basically a means of communication for every day. After 1917 in the history of Kazakhstan Stalinism was the most terrible event. The threatening action was the public political suppressions and genocide against its own public that were carried out with just a few breaks from the 1920s to the 1950s, and again in the 1980s. By ratification of the USSR Constitution on 5 December 1936, the Kazakh ASSR was changed into a Union Republic- the Kazakh Soviet Socialist Republic means KazSSR. The Stalinist forcible system and the dictatorial rule forced huge resistances among the people in several parts of the USSR, including Kazakhstan. The Alash-Orda in 1918 to 1919 started a confrontation against Soviet authority. There were 372 uprisings in 1929 to 1931 against forced collectivization. Representatives of the national democratic intelligentsia (specially the former leaders and ideologues of the Alash movement) were in 1920s. By their intellectual study and creative actions, accessible influential protest to the dictatorial system's line in science, literature and art. Lastly, the youngsters of Kazakhstan openly demonstrated against the cruelty of the totalitarian regime in 1986 and proposed their political demands to the system (Nurpeis 2005: 256).

The Kyrgyz Autonomous Soviet Socialist Republic was established in 1920 and was renamed the Kazakh Autonomous Soviet Socialist Republic in 1925 when the Kazakhs were separated formally from the Kyrgyz. In 1925, the self-sufficient Republic's unique capital, Orenburg potentially from Horn means corner and Burg means Castle, was reincorporated into Russian region. Kyzylorda till 1929 got to be capital of it. Almaty named Alma-Ata, a common city in the far southeast, turned into the new capital in 1929. The region was made a full Soviet Republic in 1936, the Kazakh SSR, additionally called Kazakhstan. It was the second biggest constituent Republic of the USSR.

During the period between 1929-1934, Soviet leader Stalin was trying to

collectivize farming. As a result Kazakhstan suffered repeated scarcities, similar to the Holodomor in Ukraine, for which it may have given a model, because peasants had killed their farm animals in protest against Soviet farming system (Conquest 1987: 193-196). A million of Kazakhs and 80 per cent of the Republic's farm animals were perished. Conquest argues that the use of Kazakhstan party principle, and to a lesser degree to the nomadic populations, produced financially to the burden by power of an untried generalization on a working social request, with terrible results. What's more, in human terms it implied passing and enduring relatively considerably more prominent than in the Ukraine (Conquest 1987).

Numerous European Soviet natives and a lot of Russia's industry were moved to Kazakhstan amid World War II, when Nazi armed forces debilitated to catch all the European mechanical focuses of the Soviet Union. Groups of Crimean Tatars, Germans and Muslims from the North Caucasus were ousted to Kazakhstan amid the war in light of the fact that it was expected that they would work together with the Nazi Germany against the Soviet Union. Most Poles (around a million) from Eastern Poland attacked by USSR in 1939 were expelled to Kazakhstan. A large portion of them died there. Neighbourhood individuals got to be popular for offering their pitiful nourishment to the starving outsiders. Numerous all the more non-Kazakhs touched base in the years 1953-1965, amid the alleged Virgin Lands Campaign of Soviet chief Nikita S. Khrushchev, 1956 to 1964. Enormous tracts of Kazakh grazing land, under the program, were put to the furrow for the development of wheat and other oat grains. Unmoving settlers came in the late 1960s and 1970s, when the legislature paid great looking rewards to labourers taking an interest in a system to migrate Soviet industry near the broad coal, gas, and oil stores of Central Asia (Curtis 1996).

One result of the obliteration of the travelling Kazakh populace and the in-relocation of non-Kazakhs was that by the 1970s Kazakhstan was the main Soviet Republic in which the native population was a minority in its own particular republic. Inside of the midway controlled structure of the Soviet framework, Kazakhstan played a basic modern and farming part; the unlimited coal stores found in Kazakhstani domain in the twentieth century guaranteed to supplant the exhausted fuel holds in the European

regions of the country. The tremendous separations between the European modern focuses and coalfields in Kazakhstan displayed a considerable issue that was just somewhat illuminated by Soviet endeavours to industrialize Central Asia. This left the autonomous Republic of Kazakhstan a blended legacy: a populace that incorporates about the same number of Russians as Kazakhs; the vicinity of a ruling class of Russian technocrats, who were important to financial advance however ethnically unassimilated; and a very much created vital industries, constructed basically with respect to coal and oil, whose productivity was repressed by major infrastructural inadequacies (ibid).

A bleak financial circumstance in starting of 1980s succeeded in virtually all the Republics of the USSR. The social political association and arrangement of monetary relations had fizzled drearily and the nation was confronting a grave difficulty. The pre-crisis circumstance had showed itself in the previous authority's powerlessness to take care of existing issues as well as even to concede that anything should have been finished. Together with his group, Mikhail Gorbachev, who assumed control over the initiative of the CPSU (Communist Party of the Soviet Union) and the Soviet State in the spring of 1985, announced a course to enhance the nation's financial improvement and open political life. Since the starting point, his push to resuscitate the nation, later named perestroika (rebuilding), was upset, and eventually fizzled (Nurpeis 2005: 260).

The underlying driver of this disappointment lay in the old managerial summon framework, the ineffective political system, which were so estranged from the individuals, and the financial structure's absence of imperativeness, which essentially made it harmful to task. Likewise, the nation's pioneers, under Gorbachev, were not reliable about executing Perestroika and could not put majority rule forms into practice as they ought to have done. Performing inside of the standard structure of socialist authoritative opinion, What's more, the nation's pioneers, under Gorbachev, were not steady about executing perestroika and couldn't put fair procedures into practice as they ought to have done. Acting inside of the standard system of socialist authoritative dogma, they created (Nurpeis 2005: 260-261).

In late 1980s citizens of Soviet Union were in the favour of increased

democratization. In this period, the Soviet leader, Gorbachev, came with the plan of democratization, which called the policy of *Glasnost* (Openness). Watson argues that *Glasnost* ushered in an era of increasing conflict over ethnic territorial rights within the Soviet republics. For decades, Soviet leaders had forced ethnic minorities to put aside their inter-ethnic conflict in the name of proletarian internationalism. He further argues that *Glasnost* inadvertently provided the means for unspoken discontent among ethnic minorities to become articulated in the policies of individual political sections or governing bodies of the national republics often at the expense of the Union (Watson 1998: 41).

The emphasis now is on Kazakhstan, one of a few post-Soviet States dealing with a questionable association with the perfect of popular government since the disintegration of Union of Soviet Socialist Republics. From one viewpoint, the nation has demonstrated minimal political determination to receive the majority rule changes advanced by western givers, and the populace gives off an impression of being to some degree complicit in this imperviousness to change. Then again, the State has kept on captivating universal givers on issues identified with majority rule change and wishes acknowledgment from the global group as a vote based system. These blended mails from the Kazakh nation clearly have political inspirations and are suggestive of ‘faking popular government’ as a method for keeping up engagement with the universal group. The significance of such political elements is apparent as well unquestionable. The motivations for this type of false thing and the nation’s documentation of faulty decisions, mass media management, and concealment of dissenter voices backings such an examination. However describing the affected Kazakh political development exclusively from this viewpoint is only part of the story. It doesn’t clarify why there is not more request amongst State’s nationals for transformation or why comparable post-Soviet States, for example, Kyrgyzstan, Ukraine, and Georgia, have had such trouble receiving majority rule changes in post progressive connections where political will for change has existed (Roberts 2012: 308-330).

Understanding the direction of political improvement in Kazakhstan and additionally, somewhere else in the post-Soviet space for politics needs an investigation of the social connection notwithstanding that of the political. Moreover, the social

connection of political improvement can't be seen by externalizing Kazakhstan's way of life alone. Rather, this setting is characterized by the social experience between the populace of Kazakhstan and the universal on-screen characters advancing majority rule beliefs. Through an emphasis on this social experience, an story of the improvement of majority rule government around the globe rises that is less bound to the innovator accounts of certainty and all the more unequivocally situated in a talk of contestation and arrangement (ibid).

On 16 December 1986, the Soviet Politburo rejected Dinmukhamed Konayev, which was the long serving General Secretary of the Communist Party of Kazakhstan. Gennady Kolbin was his successor, which was from Ulyanovsk, Russia. This brought on exhibitions challenging this move. These exhibits were roughly stifled by the powers, somewhere around two and twenty individuals lost their lives, and somewhere around 763 and 1,137 got wounds. Around 2,212 and 2,336 demonstrators were captured (Hiro 1994).

The Soviet system and policy legacy in the Republic promoted three arenas of political contest. "The first contest was between regional leaders of different nationalities. The second contest among regions that encompassed both nationalities and third within regions between members of both nationalities. The first two arenas were centered on the distribution of republic-level resources, including political positions as well as economic goods and revenues. The third was based on contest for political and economic posts at the 'Oblast' means province level. In other words, the Soviet regime fostered incentives for Russians and Kazakhs to invest in a national identity as well as a regional one. Therefore, it also unwittingly created cross-cutting cleavages that lent themselves to stability rather than conflict following autonomy" (Luong 2002: 98).

In the starting of freedom, like to Russia, in Kazakhstan also the strong President was counterbalanced by a strong parliament. The Kazakh President Nazarbaev appeared inclined sincerely to promote democratization in the Republic. The political situation in the republic of Kazakhstan in the 1990s was also complicated by a confrontation between the President and the conservative parliament on the course of economic reforms.



However, the realities of post-Soviet period turned out to be much harder than ever imagined. Firstly, there were territorial claims by Russian nationalist circles, which were supported by separatist moods among part of the Russian population. Secondly, there were political struggles among different political groups during the first years of independence, which were reborn as competition between tribal and clan groups among the ruling elite. Thirdly, there was economic depression and an attempt to conduct market reforms, which led to a steep competition for redistribution of economic resources. Therefore, all this resulted in rise of clanism, patronage, and corruption in the country. (Abazov 1999: 24).

The last phase of change of Kazakhstan statehood in the twentieth century was associated with the breakdown of the Soviet domain and the arrangement of post-Soviet States on the previous region of the Union of Soviet Socialist Republics. The Constitutional Law on the Independent Statehood of the country was passed in December 16, 1991. In addition to, this premise State freedom was pronounced. Autonomous Kazakh nation was established as a vote based, common and guideline of the law state. The Kazakh political parties and open affiliations might now be framed. The Kazakh mass media were liberated from ideological domain and oversight. 'Holes ever' were filled in, casualties of political suppression were restored, and the experimental and imaginative legacy of social assumes that had died for reasons unknown was restored to the individuals. For the Kazakh individuals and for all subjects of Kazakhstan, the twentieth century was a vital chronicled time of trusts and questions, loaded with battle at different levels and with extremely various results (Nurpeis 2005: 261-262).

In context of historical development of the Republic of Kazakhstan, there are certain difficulties to solve. Anna Matveeva emphasizes that in order to successfully complete state and nation building process, five difficulties need to be solved. Firstly, new power relations have to be rebuilt. Secondly, a lack of clarity about what nationhood essentially consists is complicated by the presence of minorities. The state leadership is faced with a tension between pre-dominantly civic or ethnic state orientations and the issue of what place the minorities would occupy in the new societies. Thirdly, there is

fragmentation along regional, tribal or clan lines. Fourthly, the prospects of quick economic readjustment are uncertain, while welfare provisions and often even immediate subsistence levels were put in jeopardy. Finally, the fear of foreign, especially Russian, domination partly explains the attitudes to Russian minorities, which are suspected of acting as a fifth column in working towards a restoration of the Union of Soviet Socialist Republics. Kazakhstan is particularly vulnerable to irredentist moves if supported by Russia's military and anxieties of this kind were indeed raised by Russian and Uzbek intervention in the civil war in Tajikistan in 1992. Kazakhstan was influenced by all the events at large level (Matveeva 1999: 25).

After analysing the above historical background of Kazakhstan, we can see the constitutional development in soviet period has four stages. In these stages, we will examine constitutional improvement in Soviet period. And, we will also see how it leads to constitutional advancement or Constitutional formation in autonomous Kazakhstan.

### **Constitutional Development in Soviet Period**

- a) The 1918 Constitution of the Russian Soviet Federative Socialist Republic (RSFSR).
- b) The 1924 Federal Constitution
- c) The 1936 Constitution of the USSR
- d) The 1977 Constitution of the USSR

#### **a) The 1918 Constitution of the RSFSR**

After the Bolshevik Revolution, Central Asia enlisted impressive financial improvement. The main communist Constitution was received on 10 July 1918, by the fifth all-Russian Congress of Soviet Socialist Republic (Sharma 1978: 6-8). The primary objective of the Constitution was the communist reproduction of society. Soon after the Socialist Revolution of 1917, Lenin issued various pronouncements to set up the communist society, i.e. exchanging all energy to the labourers and the workers, nationalizing the area, mineral assets, woodlands, water assets, vast undertakings, transport offices and the banks of Tsarist Russia-all were changed into State property. In

the meantime, the Soviet Government issued pronouncements announcing the purposes of the equity of countries, the partition of the congregation from the State, the fairness of ladies and so forth (Terebilov 1986: 9). The novel component of this Constitution was the procurements consolidated in Article 2, which accommodated denying people and collections of individuals' rights, where such rights were practiced against the enthusiasm of the communist transformation. This Constitution turned into the model for the Constitution of the other Soviet Republics.

#### **b) The 1924 Federal Constitution**

The 1924 Federal Constitution of the recent USSR was presented after the common war and amid the New Economic Policy (NEP) period (Churchward 1968: 75). The Constitution was confirmed on 13 January 1924. now power was designated to the Union, and every Republic held the privilege to split away. The Cambridge Encyclopedia of Russia and the previous Soviet Union (1994: 366-367) provides that the Union was given supreme optional power in global undertakings, alongside control of monetary arranging, the financial backing, the military, transport and the legal. Preeminent power was still to be vested in a roundabout way chose Congress of the Soviets. No Bill of Rights was incorporated in it.

Amid the 1920s, Russia, Byelorussia and Ukraine acquired their separate Constitution like the Federal Constitution. While certain auxiliary changes were executed in the Constitutions of Turkmen and Uzbek Republics. The 1924 Constitution legitimized the December 1922 Union of the Russian Soviet Federated Socialist Republic, Ukraine, Belarusian, and the Trans-Caucasian Soviet Federated Socialist Republic to shape the Union of Soviet Socialist Republics. This Constitution additionally changed the structure of the central government. It disassembled the Congress of Soviets and set up the Central Executive Committee as the incomparable collection of State power. Thus, the Constitution partitioned the Central Executive Committee into the Soviet of the Union, which would speak to the constituent Republics, and the Soviet of nationalities, which would care for the hobbies of nationality gatherings. The Presidium of the Central Executive Committee served as the aggregate administration. Between Sessions of the

Central Executive Committee, the Presidium managed the administration. The Central Executive Committee likewise chose the Sovnarkom, which served as the official limb of the administration.<sup>1</sup>

### **c) The 1936 Constitution of the USSR**

The 1936 Constitution, received on December 5, 1936 furthermore known as the ‘Stalinist’ Constitution updated the administration structure of the previous Soviet Union. The Constitution cancelled limitations on voting and included widespread direct suffrage and the privilege to work to the rights ensured by the past Constitution. The Constitution additionally accommodated the immediate decision of all administration bodies and their redesign into a solitary, uniform framework. The 1936 Constitution changed the name of the Central Executive Committee to ‘Supreme Soviet of the Union of Soviet Socialist Republics’. Like its ancestor, the Supreme Soviet contained two chambers: the Soviet of the Union and the Soviet of Nationalities. The Constitution enabled the Supreme Soviet to choose commissions, depended to perform the greater part of the Supreme Soviet’s work. As under the previous Constitution, the Presidium practiced the full powers of the Supreme Soviet in the middle of sessions and had the privilege to translate laws. The Chairman of the Presidium turned to be the head of State. The Sovnarkom (after 1946 known as the Council of Ministers) kept on going about as the official arm of the administration.<sup>2</sup>

In June 1936, the Commission distributed the draft of the new Constitution. The new (Stalinist) Constitution was received by the Eighth Congress of Soviets of the USSR in December, 1936 and the first elections were held under the new Constitution in December, 1937. The financial premise of the State as defined by the Constitution was reflected in the foundation of communist society in the USSR. Then again it gave more extensive majority rule elements like discretionary framework, other than consolidating different establishments in the Constitution. The Constitution of 1936 contained a percentage of the thoughts of the Constitution of 1924. The main changes introduced in

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<sup>1</sup>Soviet Union Government, Conservapedia [Online: web] accessed 27th July 2015, available on URL: [http://www.conservapedia.com/Soviet\\_Union\\_government](http://www.conservapedia.com/Soviet_Union_government)

<sup>2</sup> ibid

the 1936 Constitution were as follows:

- Universal suffrage replaced a system of restricted suffrage.
- Direct elections replaced the earlier system of indirect elections.
- A bicameral Supreme Soviet replaced the old Congress of Soviets of the USSR.
- The Constitution included an elaborated and expanded statement of democratic rights; and
- The Constitution contained an open appreciation of the particular function of the Communist Party in the USSR Government (Churchward 1968: 81-82).

The 1936 Constitution embodied certain elements of parliamentary democracy universal suffrage, direct elections, equal electoral districts and guarantees to individual rights, etc.

#### **d) The 1977 Constitution of the USSR**

The Constitution of 1977 held the congruity of the standards joined in the 1918 Constitution of the RSFSR, and the 1924 and 1936 Constitutions of the USSR. The 1977 Constitution characterized the USSR as a communist condition of the considerable number of individuals containing specialists, labourers, and intellectual elite and above all of the working individuals of the nation (Hazard 1957: 247-285).

Section IV of the Constitution depicted the Leninist strategy of peace and reinforcing of global participation. It further set out that the outside arrangement of the USSR is gone for guaranteeing worldwide conditions for building Communism in the Soviet Union, merging the positions of world communism, supporting people groups battle for national freedom and social advancement, avoiding wars of animosity, accomplishing complete general demilitarization, and actualizing the standards of quiet consensus of States with distinctive social framework (The Constitution of the USSR 1977, Article 28). It was the first Constitution of the Soviet Union which expressed that USSR was a part of the world arrangement of communism and it endeavoured to create

and fortify fellowship, collaboration, and comradely shared help with other communist nations on the premise of the standard of communist internationalism.

Another essential element of this Constitution was the adjustment in the age for qualification for race to the Supreme Soviet, which was decreased from 23 to 21 for the Supreme Soviet and 18 for different Soviets. The Constitution of the USSR likewise guaranteed equivalent rights regardless of sexual preference. The Constitution accommodated wellbeing assurance to every one of its residents. Natives of the USSR had the privilege to training. It was the first Constitution in the world to give the privilege to place to stay to the natives. The Constitution gave the privilege to the Soviet subjects to tune in the administration and organization of State and open undertakings. The subjects of the USSR had the privilege to hotel a protestation against the activities of authorities, State and open bodies (The USSR Constitution of 1977, Article 43).

The Constitution however gave rights and opportunities to the Soviet residents, yet they were not allowed to utilize these rights against the Soviet framework. This was because of the way that the Constitution unmistakably expressed that the activity by natives of their rights and flexibilities was limited from the execution of their obligations and commitments. The establishment of the monetary arrangement of the USSR was the communist responsibility for method for generation as State property, and aggregate ranch and helpful property. Communist possession likewise grasped the property of exchange unions and other open associations. Be that as it may, in all actuality, there were no rights and flexibilities in the USSR. This implies that at whatever point the individuals raised their voices as to their rights, the State hardware would instantly act to stifle their cases and hush them (The USSR Constitution of 1977, Article 16).

The section on 'Social Development and Culture' brought up that the social basis of the USSR was the unbreakable partnership of specialists, labourers and intellectuals and the State worried about the advancement of instruction, science and craftsmanship, and with change of working conditions, wellbeing and work insurance for the residents (The USSR Constitution of 1977, Article 9). For further improvement of communist vote

based system, an article on “decision commands” had been consolidated in the part of “The Electoral System”. Another part managing the “protection of the Socialist Motherland” was an exceptional element presented in the Constitution of 1977.

Article 31 predetermined that the security of the communist countries was one of the central elements of the State, and the obligation of the considerable number of individuals of the Soviet land. Moreover, to guarantee the resistance of communism, the quiet work of the Soviet individuals and the sway and uprightness of the State, the USSR held military and set up an obligatory military administration by every one of the subjects of the Soviet country. The obligations of the State bodies, open associations, authorities and subjects in matter of resistance of their country were characterized through the enactment of the USSR

Thus, it can be seen that the political settings of Republic of Kazakhstan has been influenced by Soviet Union at large extent. But, political development in Kazakhstan was subsequently also influenced by Iranian, Turkic, Mongols and Kazakh Khanates. In the aftermath of the October Revolution, the political landscape of the region had started changing. The Kazakh Soviet Socialist Republic was made one of the constituent Republics of the Union of Soviet Socialist Republics (USSR). Being a part of that, Kazakh system has inherited political culture from the USSR. The system was strongly controlled by the Communist Party of the Soviet Union. It functioned on the basis of the principle of democratic centralization. In the 1980s, power of the Soviet Union started weakening. At the same time, Kazakh nationalism started growing under the leadership of Dinmukhamed Kunayev of Kazakh Communist Party.

After the death of Kunayev in 1989, Nursultan Nazarbayev became the head of the Communist Party of Kazakhstan. He was in favour of preserving the Soviet Union with increased autonomy to the constituent Republics. He was one of the leaders of the post-Soviet States who were influential in the creation of the Commonwealth of Independent States (CIS). Since 1991, the President has retained the control over the political system. He easily managed to gain victory over other opposition leaders in all successive elections. In this way, historical background of Kazakhstan shaped by Soviet

Union at large level for political development in the republic. By the above historical background, we analyses that political development of Kazakhstan influenced by pre Soviet period and Soviet period subsequently.



## CHAPTER- 3

### CONSTITUTIONAL MECHANISM AND POLITICAL DEVELOPMENT IN KAZAKHSTAN

#### **Theoretical Aspects of Constitution and Constitutionalism**

Constitution is the set of crucial principles, rules, regulations and laws which oversee the governmental issues of a country and helps in day-to-day administration and governance. Constitution began to take shape in United Kingdom in 1215; when Magna Cart was introduced. 'Constitution' was initially used in United Kingdom after the 'Glorious Revolution' of 1688. As indicated by J. Denis Derbyshire and Ian Derbyshire, Constitution is depicted as a record or set of reports which set out the structure of political framework (Derbyshire and Derbyshire 1996: 11). Another eminent scholar, Anderson says that Constitution characterizes the very substance of the political change in the general public, it symbolizes a move from the old to the new, and set new objectives and yearnings for the general public (Anderson 1997).

As indicated by K.C. Wheare, the word Constitution is commonly used in at least two senses in an ordinary discussion of political affairs. Above all, it is utilized to depict the entire arrangement of a legislature of a nation, the accumulation of principles which build up and manage or represent the administration. These guidelines are somewhat lawful, in the sense, that the courts of law will perceive and apply them, and halfway non-legitimate or additional lawful, taking the type of utilizations, understandings, traditions, or traditions which courts do not perceive as law yet which are not less viable in managing the administration than the principles of law entirely called. In several countries of the world the arrangement of government is made out of this blend of legitimate and non-lawful tenets and it is conceivable to talk about this accumulation of guidelines as the 'Constitution' (Wheare 1956: 1-12).

Another constitutional expert, C. F. Strong has clarified that Constitution is the accumulation of standards by which the forces of government, the privileges of represented and the relationship between two are balanced. It might be portrayed as an

edge of legislative issues sorted out through and by law, in which law has set up changeless organizations with perceived capacity and unmistakable rights (Strong 1966: 15).

Thus, we can say that Constitution is a means to achieve social, economic and political aims of the society. Therefore, it can be said that this is not possible for any political system to function without Constitution. Different countries have different types of Constitution which are based on their particular conditions and necessity of the citizens. Hence, in the modern age, every country has its own Constitution whether it is written or unwritten.

### **Constitutionalism in Kazakhstan**

To the extent constitutionalism alludes to the restricted force of government, weight on constitution and welfare law. In other words constitutionalism stresses on 'limited government' and rule of law. It is an avocation for the law based framework. Jean Blondel is of the perspective that it is an over-rearrangements to arrange administrations as 'established' or 'non-constitutional', as it is an over-disentanglement to group them as 'liberal or tyrant'. Dichotomies may vary, however a general hypothesis of constitutionalism must consider the way that the administrations extend along a continuum running from complete dictatorship to full progressivism and that an imitation of this continuum is given by a pivot extending from 'full Constitutional government' to 'pure non- Constitutional rule' (Blondel 1969:249).

Before enquiring the Constitutionalism in Kazakhstan, we must have to knowledge of physical and political conditions of Kazakhstan. Geopolitically, the Kazakh State is situated in the heart of Eurasia and ninth largest country in the world. Kazakhstan is a landlocked country sharing border with China, Russia, Kyrgyzstan, Turkmenistan, Uzbekistan and significant part of the Caspian Sea. It is playing an important role in Shanghai Cooperation Organisation (SCO), Commonwealth of Independent States (CIS) and Organization for Security and Co-operation in Europe (OSCE). Due to geographical connections of Kazakhstan to other nations its political system develops liberal democratic system in comparison to other Central Asian Republics. Political

process and political system of Kazakhstan is determined by ancient time, history, tradition, culture, including eternal and external factors.

Kazakhstan, gained its independence on 16 December 1991 and it became the ninth biggest nation on the globe, with 14 provinces and a population of near about 15 million. Kazakhstan has 120 separate ethnic groups, although most of the population is Kazakh or Russian. In the country, Kazakh have been declared as an official language of the Republic, although Russian remains the main oral language. The status of Russian language is the language of inter-ethnic communication. Before the dissolution of the USSR, there were thousands of comparatively capable socialist industries. In addition to the Republic was self-sufficient in food production, in fact exporting grain and meat to diverse areas of the USSR. In the post-Soviet period Kazakhstan has relative political stability and there were no instances of armed conflicts and no inter-ethnic clashes.

The Kazakh Constitution indicates the development of Constitutionalism in the region. After disintegration of Soviet Union in 1991, Kazakhstan emerged as an independent sovereign state and Kazakhstan adopted its new Constitution. The Constitution envisages “secular, sovereign and democratic state,” and the Constitution of the Republic establishes the Presidential form of government. The Constitution describes Kazakhstan as a ‘democratic, secular and unitary State’. The democratic principles have been given centre-stage in the Constitution. Life, liberty and the inalienable rights of the individual are of highest value for the State. Citizens are guaranteed a basket of basic civil liberties including freedom of thought, expression and speech, freedom of media and right to receive information, freedom to demonstrate peacefully, and freedom to create public organizations. The citizens of the Republic have the right to property, right to education and right to profess or not to profess any religion. However, the rights of minorities of the Republic have not been given space in the Constitution. International human rights agreements signed by Kazakhstan have superiority over the law of the country (Badan 2001: 95).

For Understanding the Constitutional improvement in Central Asian nations (Kazakhstan, Kyrgyzstan, Uzbekistan, Turkmenistan and Tajikistan), it is important to

look at a brief recorded overview of the constitutional advancement since the advent of Russian control in the area. Until the Revolution of 1905, Russia had a totalitarian type of government. The Tsar was called as ‘boundless Czar’. The Revolution of 1905 brought a certain changes in the dictatorship. A chosen body with authoritative forces and the supreme Duma was presented which denoted the start of constitutionalism in Tsarist Russia. However, these establishments were not able to alter the totalitarian framework. Amid the Tsarist period, Russian settlements in Central Asia provided no constitutional rights. They were represented by a Governor-General who was put under the Ministry of War (Harper and Ronal Thomson 1949: 11-12).

### **Constitutional Development in Independent Kazakhstan**

The Article 1 of the Constitution of Republic of Kazakhstan focused upon social, political and financial advancement. Article 2 portrays that Kazakhstan is a unitary State and its administration is presidential type of government which is in charge of all over area. Article 3 expresses that Kazakhstan sets up common government. In the official and administrative branches individuals’ representation is held. The Constitution of the Republic isolated the administration between the official, authoritative and legal branches which is in view of balanced governance. Article 4 expresses that the Constitution of Kazakhstan is most elevated law of the Republic from which universal bargains national law and in addition administrative resolutions of Constitutional gathering and the preeminent court of Republic harped in current on evolving nature.<sup>3</sup>

#### **(i) First Constitution of Kazakhstan, 1993**

The main Constitution of the autonomous and sovereign Republic of Kazakhstan was received in January 1993. As indicated by authority sources, the submission hung on August 1993 pulled in 91 percent of qualified voters, of which 89 percent bolstered the Constitution. The recently embraced Constitution, however holds, the fair standards cherished in the 1993 Constitution. It broadcasts that the life, freedom, and the basic privileges of the individual are of most elevated worth to the State. The Constitution

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<sup>3</sup> Ministry of Foreign Affairs of the Republic of Kazakhstan, Constitution of the Republic of Kazakhstan, available at URL: <http://portal.mfa.kz/entryway/page/gateway/mfa/en/substance/reference/Constitution>

guarantees essential common freedoms. The right to speak freely, flexibility of the media, and opportunity of open and flexible social associations are ensured by the Constitution (Bremmer and Welt 1996: 183). It provided equal opportunity to all the people of the country. The Constitution declared Kazakhstan neutral in the matter of religion.

The Constitution the Republic of Kazakhstan stressed upon nation building strategy with emphasis of non-Kazakh populations. While Kazakh is the State language, the 1993 Constitution accorded Russian a prominent position as the language of inter-ethnic communication and prohibited any limitations on the rights of citizens who do not speak Kazakh. The Constitution gave automatic citizenship to persons who requested for it. The Constitution is prohibited the social organizations for constitutional order and the State security regions (Badan 2001: 95).

Kazakhstan's unitary character as a State is ensured by the Constitution, regional governors (*akims*) are directly appointed by the president. Under the new Constitution, the President has gained the right to petition for delegated legislative powers for a term not exceeding one year, provided that two-thirds of deputies at the Joint Session of the Parliament agree to it. The President also has the right to dissolve the Parliament in the event of it passing the vote of no-confidence against the Government, and if the parliament twice rejects the president's nominee for the post of the Prime Minister. The Constitution provides for a weak upper house (or the Senate) and it is dominated by presidential appointees (Bremmer and Welt 1996).

**Table 3.1: Constitutional Change in Kazakhstan, 1993**

	1993
President	Five-year term
Parliament	Unicameral parliament; members reduced from 360 to 144

Source: Heinrich, Andreas (2010: 28).

The above table shows that the Constitution of 1993, fixed the five years term for the President; and made the Parliament unicameral. In the parliament, the numbers of members were reduced from 360 to 144. The reduction of members in Parliament was not showing good indication for democracy as it consists of fewer representatives.

**(ii) Second Constitution of Kazakhstan, 1995**

The Second Constitution of the Kazakhstan was received in 1995 by a prevalent referendum. The Constitution of the Republic of Kazakhstan ensured equal rights to all nationalities and endorsed both Kazakh and Russian languages as official dialect. The President, Council and the Supreme kenges (Supreme Soviet) are to be chosen by all inclusive grown-up suffrage for five year terms. The President is head of State and the second part of the official branch is the committee of Ministers, key individual from which are named by the President. The Prime Minister who is leader of the Committee of Pastors is the designating power of alternate clergymen (Curtis 1996).

Cummings contends that another Constitution was affirmed by choice in April 1995 and was accepted in August 1995 which presented a bicameral parliament, additionally significantly expanded the force of the officials. This choice additionally increased Nazarbayev's Presidential term to December 2000, wiping out the focused Presidential decisions that had been booked for 1996. Accordingly Nazarbayev had the

capacity abstain from remaining against two allegedly prevalent option applicants at the time, Olzhas Suleimenov and Gaziz Aldamzharov (Cummings 2002: 64).

This new Constitution gave the President broad forces to break down Parliament for all intents and purposes voluntarily, to designate the leader and senior priests, and also seven individuals from the 47-seat Senate. It likewise allowed parliament to delegate law-production forces to the President for up to a year in specific circumstances. Despite the fact that procurement was made for the reprimand of the President, it was made improbable by significant lion's share necessities and a procurement that those appointees included in an unsuccessful indictment exertion would lose their seats (Anderson 2004: 80).

In March 1995, the Constitutional Court announced the decision to the Supreme Kenges invalid. The President broke up the Supreme Kenges, cancelled the Constitutional Court and governed by declaration for nine months. Another Parliament was chosen. It comprised of two Chambers, the 47-part Senate means upper house and the 67-part *Majlis* means lower house. As per the 1997 managerial changes, the quantity of Oblasts was diminished from 19 to 14, accordingly diminishing the quantity of seats in the senate. In October 1998, Parliament essentially adjusted the structure of the Assembly, expanding the span of the *Majlis* from 67 to 77 appointees (Starr 2006).

**Table 3.2: Constitutional Change in Kazakhstan, 1995**

	1995
President	Five-year term, abolition of the position of Vice-President
Senate	Four-year term, seven members are nominated by the President
<i>Majilis</i>	Four-year term, 67 members; total of 114 delegates in both Houses of Parliament

Source: Heinrich, Andreas (2010: 28)

The above table indicates that the constitutional change in Kazakhstan in 1995 become the positive point for democracy. The Parliament became bicameral- Senate and *Majilis* having four years term for both Houses. Seven members are nominated by the President which signifies that the authority of President continues.

**(iii) Constitutional Amendments of 1998 and 2007**

The Constitution was further altered in 1998 to encourage the propagation of Nazarbayev's principle when the representatives of the Kazakhstan parliament accepted 19 changes to the Constitution, 13 of which had been proposed by President Nursultan Nazarbayev himself. The six others delayed the Presidential term in office and evacuated confinements both on the President's age and his qualification to keep running for office more than twice. The President's term in office was reached out from five to seven years. Another change uprooted any greatest age limit for Presidential applicants - earlier nobody more than 65 could keep running for the official workplace (Sharipzhan 1998).

The Constitution was changed in October 1998. It stretched out term to the President from five to seven. The principal presidential decision of the Republic of



Kazakhstan under the changed Constitution was held in January 1999 and Nazarbayev was chosen to the initial seven-year term. The second decision occurred in December 2005. The Kazakh Constitution was further altered to re-settle two terms for any President and curtailed the presidential term from seven to five years in May 2007. President Nursultan Nazarbayev and his administration pushed on Constitutional Amendment in 16 May 2007 which upgrades the power of the Parliament. The Amendment changed the Republic from presidential to parliamentary one. The President pushed after upgrading part of Parliament. As indicated by the new systems of shaping the Government, Prime Minister must be designated by the President after counsels with political parties and by the fitting greater part of the Parliament's agents. The strategies endless supply of all hoists the part of political parties in shaping the Government and its ensuing activities executing the system.

The Kazakh President proposed a curtailment of the presidential term from seven to five year and proposed local governors must be chosen with the appointment of relating *Maslikhats* (local elective substance) likewise. In the zone of legal change, legitimate affirmation of a capture as well as the annulment of capital punishment has been declared for perpetrating terrorist acts or brutal wrongdoings in Kazakhstan. Kazakh President Nazarbayev underlined the requirement for the above expressed change in the Constitution of Kazakhstan for driving in another stage for democratization of area (Mishra 2008: 117-18).

The Constitution of Kazakhstan enhanced Parliament's powers so that the official branch is more responsible to it. It was presented as per the OSCE's suggestions. The constitutional change likewise settled relative representation to choose individuals from the *Majilis* and a party based parliamentary framework in the locale. This was a noteworthy move by Kazakhstan towards a parliamentary dominant framework in the nation.<sup>4</sup>

The Constitutional amendment of 2007 allowed to choice making force including expecting the authoritative forces of the *Majilis*. No confidence motion against

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<sup>4</sup>Embassy of the Republic of Kazakhstan, Constitution, accessible at, URL:  
<http://www.kazakhembus.com/index.php?page=Constitution>

government can be dispatched in a straightforward manner for it ought to two third dominant parts. Senate can name two individuals from the Constitutional Council and in addition two individuals from the Central Election Commission (CEC) (Bower 2008: 61-62).

**Table 3.3: Constitutional Change in Kazakhstan, 1998**

	<b>1998</b>
President	Seven-year term, no maximum age limit, abolition of the 50% minimum voter turnout
Senate	Six-year term, 15 members are nominated by the president
<i>Majilis</i>	Five-year term, 77 members, abolition of the 50% minimum voter turnout, thresh old increased from 5% to 7% of the votes.

Source: Heinrich, Andreas (2010: 28)

The above table demonstrate that Constitutional change in Kazakhstan was taking shape in 1998 by amendment. The term of bicameral Parliament- Senate and *Majilis* increased from four to six and five year respectively. However, instead of seven members in Senate, 15 members are nominated by the president. it means authority of appointment of president continued.

**Table 3.4: Constitutional Change in Kazakhstan, 2007**

	<b>2007</b>
President	Five-year term, no term limits (for Nazarbayev only)
Senate	
<i>Majilis</i>	Five-year term, 107 members, abolition of majoritarian electoral system; the <i>Majilis</i> now only requires a simple majority to express a vote of no confidence in the government rather than the two-thirds majority previously required.

Source: Heinrich, Andreas (2010: 28)

The above table show that Constitutional change in Kazakhstan was taking shape in 2007 by amendment. The president became less powerful because tenure of the President reduced from 7 to 5 years only. But, term limits for president was not imposed and was allowed only to the present President - Nursultan Nazarbayev. *Majilis* tenure remains same but number of members increased from 77 to 107. It was a positive development for Kazakh democracy.

### **System of Governance and Structure of Government in Kazakhstan**

Since the autonomy of the Central Asian countries, the dialog on conceivable ‘models of improvement’ for the district has begun and different formative models were floated in each of the five nations and each of them has received a just arrangement of administration. The present Constitution of Kazakhstan which was ratified in September 1995 gives procurements pointing political improvement. The democratization of Kazakhstan has given the nation another character in the post-Soviet world

The fresh Constitution was received in 1993 in Kazakhstan. The lawmaking body was disintegrated with no convincing Constitutional prerequisite and the disintegration was advocated as a prelude to the forthcoming institutional changes, the genuine reason, in any case, to presidential control (Akiner 2005: 125).

In the republic, another parliament was chosen in 1994. However, on a specialized Issue, Kazakh Constitutional Court decided in March 1995 that the Parliamentary elections were invalid. Due to the judgment, the parliament was broken up in 1995. More likely than not, Nazarbayev was to some degree in-charge of the decision professed by the Constitutional Court as he persuaded that the new creation of the Parliament would not support the usage of his financial change approaches (Blackmon 2009: 152).

The Parliament of country was re-established in the late 1995 on the basis of the new Constitution that was approved in referendum, the same year. Under the new Constitution, the number of Deputies in the Parliament was greatly reduced to 102. The Upper House, Senate had the strength of 47 members and 55 seats were allocated to the lower house of the Parliament, *Majilis*. The Parliamentary elections in the republic were held on December 5 and 9, 1995. Afterwards, parliamentary elections have taken place in 1999, 2004, 2007 and 2012. In whole elections, pro-presidential parties have totally demolished the opponent and the parliament has become a domination of the ruling Nur Otan Party of Nursultan Nazarbayev.

The Constitution of the Republic accommodates a multi-party framework. As per a 2002 law, to get enrolled with the Ministry of Justice, a gathering must have no less than 50,000 individuals on its move, separated up relatively by oblast with no less than 700 individuals in each of the fourteen oblasts and two noteworthy urban communities. earlier, this breaking point was 3000. The Republic's law on political parties disallows parties in light of ethnic inception, religion, or sex. Keeping in mind the end goal to pick up seats in the Parliament, a party must accomplish no under seven percent of all votes cast, a high rate given the non-appearance of rivalry in Parliamentary elections (Bowyer: 2008).

**(i) Parliament: The *Majilis* and the Senate**

The Kazakhstan Parliamentary custom is restoring ‘*council of biis*’ that won from the fifteenth to the eighteenth hundreds of years. The Kazakh migrant human progress under the Khans did live under an authoritative framework which managed the Khan’s power by a strict standard law called ‘*tore.*’ Afterwards, the Russian royal organization would utilize this framework in its administration over the area of what is presently Kazakhstan. This framework is returning today in a few sections of the district. (Nook 2008: 39-40).

The Supreme Soviet of the Kazakh Soviet Socialist Republic (SSR) was initially framed in 1937 and carried on similarly as its fellow Republican legislatures in the other fourteen Soviet Socialist Republics till the breakdown of USSR in 1991. Following forty years, the Kazakh Soviet Socialist Republic Constitution was altered, which to some degree transformed the way appointees were chosen and formally affirmed the ‘most astounding organ of State force’ to USSR. Kolbin was a supporter of the broad political and financial positive changes that Soviet pioneer Mikhail Gorbachev had started to execute in the mid-1980s and in 1989 (Bower 2008: 40-42). Kolbin was transferred to Moscow and the Soviet powers named Nazarbayev as the first secretary of the communist party of Kazakhstan. The USSR Supreme Soviet in March 1990 chose Nazarbayev for the recently settled post of president of the Kazakh SSR. Nazarbayev ran unopposed in the Republic’s first fair presidential races, held in December 1991, and won 95 percent vote. Kazakhstan announced its autonomy later from USSR.

The first alternative elections of parliamentary system were held on party basis in December 1999. In the election 8-9 candidates contested for a seat. In this election 9 parties took part which was observed by OSCE. The September 2004 election of Parliament is the apparent symbol that Kazakhstan is progressing to the democratic reform’s path. In the election a large number of people took parts to elect the *Majilis*, the lower house of the parliament which were held under the newest and more advanced Election Law adopted in April, 2004. Election of 2007 was held on the proportional representation or completely on based party-lists system. The Kazakh political parties which contested the elections received percentage of votes as follows - 88.1 percent to Nur-Otan, 4.6 percent to NSDP, 3.3 percent to Ak Zhol, 1.6 percent to Auyl, 1.3 percent

to Communist People's Party, 0.8 percent to Patriots Party, 0.4 percent to Ruhaniyat ; seats by party – the Nur-Otan party was the only party which received 98 percent seats in the parliament .None of the other political parties were able to get even a single seat in the newly elected because did not a threshold of 7 percent of the electorate to qualify for seats in the *Majilis* (Republic of Kazakhstan Country Profile 2008).

as earlier mentioned, other parties had also contested in the election and it undoubtedly gave the feeling that a multi-party system in the Republic of Kazakhstan was in place. However, all above parties like *Aul*, *Ak Zhol*, the Party of Patriots,the Democratic Party of Kazakhstan, Social Democratic Party (supported by Nagyz Ak Zhol) *Rukhaniyet*, failed to secure even a single seat as none of them could cross the seven percent edge. It must likewise be made clear that just the Social Democratic Party can genuinely be termed as the resistance against the ruling *Nur Otan* Party as alternate parties, specified above, backings the administration of Nursultan Nazarbayev (Dave 2007: 254-56).

## **(ii) The Executive**

Kazakhstan has a presidential system and the President of the country is the chief executive. The President is also the supreme officer that decides the major instructions of the internal and external policy of the country. As per the Constitution, the President of the Republic guarantees by his intervention, coordinated working of all branches of State force and obligation of the establishments of force before the individuals. The legislature of the republic of Kazakhstan is a making of the president who the prime minister and the cabinet barely takes a choice autonomously and serves as a conductor for the strategies beginning in the presidential organization (Olcott 2002: 88).

The Kazakh President is the head of the State and he has the power to return the draft to legislation for future. The President of the country, with consent of the Parliament, appoints Prime Minister, Deputy Prime Ministers, Ministers of Foreign Affair, Defence, Finance and Internal Affairs, the Chairman of the National Security Committee and the Head of Diplomatic Representative offices etc. The President consults with the Parliament, decides about referendums, judges and chairman of the National

Bank of the Republic of Kazakhstan. He is the Supreme Commander of the armed forces (Badan 2001: 97).

The political framework has further been moulded by the President's propensity for sustaining his administration, and no place takes after a pluralist shape that describes a vote based system. Olcott focuses that Kazakhstan has neglected to build up even a quasi pluralistic framework. She argues that the failure to do so has resulted in the narrowing of the political arena of contestation; it has been limited in number and restricted in scope. The parliament has no energy to force balanced governance on the President. The nearby governments have likewise been kept under control from getting to be viable wellsprings of political test and it has additionally get to be troublesome for the disagreeing voices to adequately compose themselves in contradicting the progressions that Kazakhstan has found in the previous years (Olcott 2002: 87). These progressions surely hamper the possibilities of democratization and foundation of a working popular government in Kazakhstan sooner rather than later.

The Constitution of Kazakhstan sanctifies the improved powers that Kazkh President Nursultan Nazarbayev accepted upon the disintegration of parliament in beginning of 1995. This proceeded with the past Kazakh constitutional definition as a unitary State with a Presidential type of government. The Kazakh President is the most noteworthy country official, in charge of shaping the administration, matter to parliamentary support, and naming all other State authorities. The Constitution of 1995 extended the authority of President to present veto enactment. The Kazakh President keeps the authority to delegate the Chamber of Ministers, headed by a Prime Minister and a few State advisory groups. The Kazakh President Nazarbayev himself accepted the arrangement of the Ministry of National Security in October 1995. In beginning of 1996, the President Nazarbayev reordered the administration the Council of Ministers incorporated the leaders of 21 services and 9 State advisory groups, Akezhan Kazhegeldin being the Prime Minister (Curtis 1996: 56).

The new Kazakh Constitution did not accommodate the Vice President's position. On the other hand, it allowed the occupant Vice President, Yerik Asanbayev to stay in

office till 1996. The Kazakh President has the authority to proclaim highly sensitive situation amid which the Constitution can be suspended. The Kazakh President is the patron of enactment and the underwriter of the Constitution and of the correct working of regime, with the ability to reject out of hand the choices and activities of local powers and councils. The main grounds on which a President can be uprooted are ailment and conspiracy, both of which must be affirmed by a greater part of the joint Upper and Lower House of the new Parliament. In the occasion of such an expulsion from authority, the Prime Minister would turn into the temporary President of the Republic (Curtis 1996: 56).

### **(iii) The Legislature**

The parliament of Kazakhstan comprises of two houses, the Senate (upper house) and the *Majilis* (lower house). The Senate contains 47 individuals and the *Majilis* 107, since Constitutional changes of 2007. The Constitution of 1993 made a unicameral Parliament, which was to supplant the 350 seat Supreme Soviet when the orders of its delegates terminated in 1995. The Parliament of 1990 that was made out of the previous communists was broken down ahead of schedule under the weight of President Nazarbayev in December 1993 keeping in mind the end goal to make ready for a littler and apparently more flexible parliament. In The Kazakh Constitution of 1995, the Parliament comprised of two chambers, the Senate and the *Majilis*, both working in consistent sessions (Mishra 2009: 318).

### **(iv) The Constitutional Council**

The “Constitutional Council of the Republic of Kazakhstan issues rulings on all issues relating to the observance of constitutional norms and procedures adopted. The Constitutional Council considers the president’s protests and if they are not overcome by a majority of the vote decisions by the Constitutional Council are regarded as void. The Constitutional Council rules on the legitimacy of presidential and parliamentary elections and examines laws to establish their conformity with the Constitution of the Republic of Kazakhstan. The Constitutional Council has seven members, three of whom, including the chairman, are appointed by the president. Four members represent the chambers of



parliament: two members are appointed by the Speaker of the Senate and the other two by the Speaker of the *Majilis*. All former presidents receive lifetime membership of the Constitutional Council. The chairman of the Constitutional Council is appointed by the president, and when votes are divided equally the chairman's vote is critical. The organisation and work of the Constitutional Council is regulated by a constitutional law. The Constitutional Council's rulings come into force from the day of their adoption and are obligatory throughout Kazakhstan. They are final and cannot be appealed against" (Kazakhstan today 2010: 106).

Following are the provisions regarding the structure and function of the Constitution Council:

Article 71(1)The Constitutional Council of Kazakhstan shall consist of seven members whose supremacies shall last for six years. The former Presidents of the nation shall have the authority to be life-long members of the Constitutional Council.

71(2) The Constitutional Council' chairperson shall be nominated by the President of the Republic, and in the case of the equal distribution of the votes, his vote shall be crucial.

71(3) Two members of the Constitutional Council shall be appointed by the President of the Republic, two by the Chairperson of Senate, and two- by the Chairperson of the *Majilis*. Half of the members of the Constitutional Council shall be renewed every three years.

71(4) The Chairperson and affiliate of the Constitutional Council shall not be deputies, hold paid offices excluding teaching, scientific or other creative activities, employ in entrepreneurial activity, and enter a governing body or a supervisory board of a commercial organization.

71(5) The Chairperson and members of the Constitutional Council during their term in office may not be arrested, subject to detention, measures of administrative punishment imposed by a court of law, arraigned on a criminal charge without the consent of Parliament, except in cases of being apprehended on the scene of a crime or

committing grave crimes.

71(6) Organizations and activity of the Constitutional Council shall be regulated by Constitutional Law.<sup>5</sup>

Article 72(1) the Constitutional Council by appeal of the President of the Republic, the chairperson of the Senate, the Chairperson of *Majilis*, not less than one-fifth of the total number of deputies of Parliament. The Prime Minister of Kazakhstan shall:

72(1.1) Make a decision on the rightness of demeanourness of the elections of the President of the nation, deputies of Parliament, and conducting an all-nation referendum in case of dispute;

72(1.2) Think about the laws espoused by Parliament on the subject of their conformity with the Constitution of the Republic. Before they are signed by the President;

72(1.3) Think about the international accords of the Republic as regards to their compliance with the Constitution, before they are a;

72(1.4) officially interpret the standards of the Constitution;

72(1.5) conclude in cases stipulated by paragraphs 1 and 2 of Article 47 of the Constitution.

72(2) The Constitutional Council shall consider the appeals of courts of law in cases stipulated by *Article 78*<sup>6</sup> of the Constitution.<sup>7</sup>

Article 73(1)The swearing in of the President, registration of the elected deputies of Parliament or consequences of all-country referendum shall be suspended in cases of

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<sup>5</sup>Constitutional Council of the Republic of Kazakhstan, The Constitution, [Online: web] Accessed 23 April 2011, URL: <http://www.constcouncil.kz/eng/norpb/constrk/>.

<sup>6</sup>The courts shall have no right to apply laws and other regulatory legal acts infringing on the rights and liberties of an individual and a citizen established by the Constitution. If a court finds that a law or other regulatory legal act subject to application infringes on the rights and liberties of an individual and a citizen it shall suspend legal proceedings and address the Constitutional Council with a proposal to declare that law unconstitutional.

<sup>7</sup> Constitutional Council of the Republic of Kazakhstan, The Constitution, [Online: web] Accessed 23 April 2011, URL: <http://www.constcouncil.kz/eng/norpb/constrk/>.

appeal to the Constitutional Council on issues mentioned in subparagraph 1 of paragraph 1 of Article 72 of the Constitution.

73(2) The term of signing or approving of the corresponding acts shall be suspended in case of appeal to the (Constitutional Council on issues mentioned in subparagraphs 2 and 3 of paragraph I of Article 72 of the Constitution.

73(3) The Constitutional Council should pass a decision within one month from the day of claim. This span of time, at the President's interest of the Republic, may be abbreviated by 10 days if the issue is imperative.

73(4) Republic's president may raise protest, in entire or partially to the Constitutional's resolutions Council. These challenges should be overruled by two-thirds of the votes of the total number of the individuals of the Constitutional Council. If the protests of the President are not overruled, the resolution of the Constitutional Council shall be contemplated as not accepted.<sup>8</sup>

Article 74(1)Laws and international accords perceived not to be in conformity with the Constitution of the Kazakhstan's republic, may not be signed or, accordingly, approved and carried into consequence.

74(2) Laws and other regulatory legal acts, perceived as breaching on the rights and freedoms of a citizen and an individual protected by the Constitution, shall be cancelled and shall not be in effect.

74(3) Resolutions of the Constitutional Council shall come into effect from the day they are accepted, shall be obligatory on the complete terrain of the country, concluding and not subject to appeal.<sup>9</sup>

#### **(v) Judiciary**

In Kazakhstan, the legal framework is the minimum created of the three branches of Government. The Kazakh Constitution holds the procurement of Presidential

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<sup>8</sup>:ibid

<sup>9</sup>:ibid

arrangement of every judge in the country. For judges, the Constitution of 1993 determined the administration's terms. The Constitution of 1995, the length of administration has not been specified it, proposing that judges would serve at the tact of the President of the country (Curtis 1996: 56-57).

Under the Constitution of 1993, lines of legal power were inadequately defined on the grounds that the Republic had three 'most noteworthy courts'. Phool Badan argues that the legal power in the State is free and subject just to the Constitution and laws of the country. The legal force is practiced by the Constitutional Court, the Supreme Court and the Higher Arbitration Court. The judges for these courts are chosen for a term of ten years (Badan 2001: 97-98). There are aggregate of 66 senior judges in the country. A large number of these judges, and additionally various judges in lower courts, had been held from the Soviet period, when the legal branch was altogether under the control of the union government. The Constitution of 1995 makes no procurement for the State Arbitration Court in the country. Procurements, for the new legal unmistakably subordinates every other court to the Supreme Court, which has a consultative role in appointing senior judges in the region (Curtis 1996: 56).

### **Judicial reform**

After the adoption of the Constitution of the Republic of Kazakhstan "on 28 January 1993, new social and political relations emerged in the country. Moreover, Kazakhstan declared that its aim was to build a lawful state. Achieving this required radical legal reforms which would better meet the socio-political, socioeconomic and international status of the new state. The president's Resolution On the State Programme of Legal Reforms in the Republic of Kazakhstan of 12 February 1994 became a historical document that defined the priority aspects for reforms in the judicial and legal system: just and independent courts; highly-qualified, impartial judges appointed on a permanent basis; improvements in the living standards of judges – these are the foundations of impartial judiciary and it is precisely a decent life for a judge that stresses the importance and immeasurable responsibility of their work and provides social security for them. Therefore, improving their living conditions was made a priority. This resolution clearly

regulated the structure of the country's judicial bodies, the powers of judges and personnel issues" (Kazakhstan Today 2010: 105).

The structure and composition of judicial bodies were also defined at that point. "It was decided that the Supreme Court would rule on all economic issues and issues relating to the carriage of justice and the provision of judges with everything they needed for this was delegated to the head of the apparatus. The composition of regional and town courts has been the same since that time, while the powers and objectives of martial courts in Kazakhstan enabled them to become members of the plenum of the Supreme Court of the Republic of Kazakhstan. The institution of people's assessors was abolished. The president's next step in reforming the judicial system was the 1995 Decree on Courts and the Status of Judges in the Republic of Kazakhstan, which had the force of constitutional law. The decree fixed the defining status of the judiciary's independence, making it one of the equal branches of government. The main government bodies of Kazakhstan responsible for legislative and legal issues are the Supreme Court, the Constitutional Council, the Prosecutor-General's Office and the Ministry of Justice of the Republic of Kazakhstan" (Kazakhstan Today 2010: 105-106).

The "highest judicial body in the country is the Supreme Court of the Republic of Kazakhstan, the members of which are appointed by the Senate following the president's nominations which in turn are based on recommendations by the country's Highest Judicial Council. The Supreme Court has powers to supervise and overturn rulings of lower courts. In addition, it is the body that gives explanations on issues of judicial practice and the application of legislative acts" (Kazakhstan Today 2010: 106).

#### **(vi) Local Government**

In the Republic of Kazakhstan, the Cabinet of Ministers exercises the executive power and is responsible to the President. The local State administration is exercised by local representative and executive bodies, which are responsible for the state of affairs on their own territory. The local representative bodies-the councils express the will of the people of the corresponding administrative areas and bear overall State interest. Councils are elected for five years by a secret ballot on the basis of equal and direct universal

suffrage. The local executive bodies are the part of unified system of executive body and are headed by the *Akims* of the corresponding administrative or territorial unit, which are the representatives of the President of the Republic of Kazakhstan in the *Oblasts* or provinces (Badan 2001: 97).

Kazakhstan is separated into 14 regions, and the city of Almaty has managerial status equivalent to that of a territory. Thus, the territories are separated into districts that comprise of various settlements. Every area or district and most settlements have their own chosen committees, endowed with making a financial plan and managing nearby assessment accumulations. Urban communities have their own neighbourhood committees too, and huge urban areas are separated into locales. The nearby assemblies do not have the power to pick the neighbourhood administrators and are specifically designated by the President. The obligation of a nearby official is to guarantee the implementation of the choices of the national government and a legitimate recognition of the Constitution. Commonplace and provincial ‘heads of organization’, known by the Russian expression ‘Glav’ or the Kazakh expression ‘*Akim*’, are Presidential nominees. The *Akim*, in term, selects the individuals from his State, who work as departmental heads. The *Akim* likewise can switch the budgetary choices of the local council.<sup>10</sup>

There has been impressive weight, particularly in the transcendently Russian populace settled north part of the nation, to change the way of the post of *Akim* making it elective as opposed to through arrangement by the Kazakh President. The Constitution of 1995 gives that just the nearby boards have the ability to articulate no trust in their *Akim* by a 66% dominant part. The Kazakh President has the power to override or disavow the choices taken by local councils in the Republic. As far as impact of the *Akims* on the appointment procedure is concerned, they focus constituent limits keeping in mind the end goal to hold decisions and ascertain votes in a joint effort with the district electoral commissions. These limits are made with thought of conditions that incorporate (a) no voting demographic ought to have more than three thousand voters; (b) the limits of

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<sup>10</sup>Encyclopedia of the Nations, Local Government- Kazakhstan [Online: web] Accessed 24 April 2011 URL:<http://www.nationsencyclopedia.com/Asia-and-Oceania/Kazakhstan-Local-Government.html>.

administrative-territorial units ought to be watched; and (c) limits of discretionary regions ought not to cover limits of constituent areas (Makhmutova 2001: 421).

Subsequent to talking about the official, the assembly and the legal, now we can see about the arrangement of administration and the structure of government in Kazakhstan and how it is functioning. After the break down of Soviet Union, the post Soviet States encountered an emergency circumstance. Kazakhstan additionally confronted this issue and attempted to fortify its political framework.

According to the 1995 Constitution of the republic, the government uses the executive work and the government is composed of the Prime Minister, the deputy ministers, heads of the government departments, ministers and Chairpersons of State Committees, etc. As indicated by Act 166 of the Kazakh Constitution (1995), the administration taking a shot at the premise of financial headings of the State strategy, its barrier readiness and security, guarantees social request and sorts out their execution in the district. The administration introduces the spending plan to the Parliament. Among different capacities performed by the administration yet specified by Parliament of working of Government into such a variety of circles. The legislature is at risk to release capacities doled out to it by the Constitution, laws and demonstrations of the President of the country (Galyamova 1998: 27-37).

The Constitutional Court was supplanted by a Constitutional Council, whose choices are liable to a Presidential veto. The Constitution held Kazakh as the State languages however ensured the improvement of every single other language, making Russian the language of ethnic correspondence in the districts. Despite the adequate power with respect to the usage of the official powers, the administration is to a great degree subject to the President. Various systems are integrated in the Constitution through which the President is in a position not just to shape the administration in the way he thinks of it but to impact its regular capacities. As indicated by the Constitution of the Republic, the President of Kazakhstan being the leader of the State remains the key figure to which every official force are subordinated. The President, with counselling the Parliament, chooses the Prime Minister; expels him from his post; decides the structure of

Government on the proposal of the Prime Minister, selects and ends from the post every one of its individuals all suggesting to a high level of individual impact of President on the creation of the administration (Mishra 2009: 119-20).

Bower says that in 2007 the Parliament of Kazakhstan experienced its most radical change over 10 years when seats were added to both Senate and Majilis, with the last body chosen only through an arrangement of corresponding representation, with nine individuals chosen from inside of the 400 part Assembly of Peoples. This was the first go through in the brief history of post-Soviet Kazakhstani Parliaments that operators were not clearly decided to no under one spot of the lawmaking body (Bowyer 2008: 7-10).

As indicated by Mishra, some significant changes were made by Kazakhstan in circle of political improvement are as follows:

- (i) Kazakhstan went to another type of administration with numerous forces of the President being exchanged to the Parliament, in this manner, officially constituting a presidential-parliamentary Republic.
- (ii) The Kazakh Government is to be framed on the premise of the greater part in the Parliament.
- (iii) The extent of the Parliament is extended with the Lower House being shaped on a relative premise.
- (iv) The term of the President has been diminished from seven years to five years.
- (v) Kazakhstan really nullified capital punishment, which is permitted just in the event of terrorism with substantial individual losses and mass killing at the season of war (Mishra 2008: 124).

### **Stages of Political Development in Kazakhstan**

Political advancement in Kazakhstan has gone through various phases of improvement. Zohvtis categorises the procedure of democratization in Kazakhstan, into three stages. The author feels that the Republic was more votes based in the first stage,



somewhere around 1991 and 1994, when there were indispensable advancements in the right to speak freely and in mass media in the country (Ruffin and Waugh 1999: 58-60). This was season of prompt Post-Soviet period which were in view of Pro-Western democratization, Soviet based organization and presidential force.

The presentation of the post of President additionally know at the outset as Head of State prompted the redistribution of the power of authority between the Supreme Soviet and the President in connection to the higher official and regulatory organ the Council of Ministers. As per the Constitution: (a) The Supreme Soviet lost its energy to choose the Chairman of the Council of Ministers and its individuals. (b) The President got the power to shape and break up the Council of Ministers and State Committees, prior vested with the Supreme Soviet. (c) The President was vested with the power to change acts concerning the organs of the State organization where USSR and Kazakh Constitution and laws demonstrate an inconsistency. In this way, the President wielded every genuine lever of affecting the arrangement and working of the central executive authority. Nevertheless, in the early time of presence of the post of the President, the obligation of the legislature before the Supreme Soviet was protected on a need basis. The Council of Ministers was obliged to get ready and present a yearly report of its work before the Supreme Soviet furthermore keep the President updated about it (Galyamova 1998: 27-37).

On December 1, 1991, even prior to announcement of an official freedom Nazarbayev had tried to legitimize his rule by calling for a popular election. He was the lone candidate and the election was reduced to a simple endorsement. The rival leader of the nationalist *Jeltoqsan* Party gained a mere 38,000 of the one lakh signatures necessary for candidature. Nursultan Nazarbayev went ahead to get 98.6 percent of votes under the strictest of Soviet strategy (Capisani 2000: 3-19).

The Constitution of 1993 achieved considerable changes in the legitimate premise of the official power in Kazakhstan in examination with the 1977 Constitution of the Republic. Firstly, the 1993 Constitution characterized the official power as a free organ of the State power. Besides, the idea of bound together arrangement of official force was

presented; and thirdly, changes were brought into the system for the development of the legislature. the Supreme Soviet was presently viewed as fundamental for the arrangement of Prime Minister by the President as an arrangement to key official positions like, the Ministers for External Affairs, Defense, Finance, Internal Affairs and Chairman of the Committee of National Security. Be that as it may, the endorsement by the administrative organ for arrangement to different posts in the legislature was not needed. Fourthly, the obligation of the official energy to the Supreme Soviet was generously changed and the bureau of pastors was made responsible to the President. Its obligation to the Supreme Soviet was confined to matters identified with law implementation (Galyamova 1998: 27-37).

The function of Parliament of the Republic in the resignation of the government was reduced to the minimum. It was set out that the Supreme Soviet put before the President the matter of exclusion of a member of the Council of Ministers before end of his term only in the case of infringement of the Constitution and the law of the country. Overall, the minister was responsible to the President of the Republic. Therefore, the 1993 Constitution ultimately strengthened the Presidential powers by its utter uncertainty of the separation of power between the President and the executive. President's position all the while implies the fortifying of the official force and the other way around. Moreover, the official force is further assembled quality because of low viability of the exercises of the authoritative and legal organs and shortcoming of the political parties. Integration of the procurement for presentation of a highly sensitive situation (the basic law of 1993 gives this power to the head of State), the Kazakh Constitution also testifies the reinforcement of the executive power of the President of the country (Galyamova 1998: 27-37).

The structure of division of power along these lines built up in Kazakhstan experienced a few insufficiencies ordinary under States of emerging democratic system. The issue was further irritated because of the non-attendance of system in the Constitution of 1993 for determination of contention between the two branches of power. The Supreme Soviet had the ability to uproot the head of the executive power and the President had the ability to disintegrate the Parliament. Practically speaking, the common

conditions prompted strains between the executive and the legislature. The parliamentary problem was joined by acquiescence of the administration which contained capability of a problem for the executive power (Galyamova 1998: 27-37). Every one of the variables made a genuine danger of destabilization inside the political framework, lastly prompting a Constitutional disaster. Thus, at this basic crossroads the work on formulation of another Constitution started.

After observing the political development in Kazakhstan, we can say that the second stage was started in early 1995, witnessed the Constitutional Court making a decision to dissolve the Supreme Soviet of Kazakhstan. According to this decision of the highest Judicial body of country broke the evolutionary development of the political system in the Republic and left the State and the people of the Republic without legislative and representative power.

As per the 1995 Kazakh Constitution, the Government exercises the executive power in the Republic. The Government is made out of the Prime Minister, the deputy ministers, heads of the government departments, ministers and Chairman of State Committees. As per Act 166 of the Kazakh Constitution (1995), the government functioning the essential socio-economic guidelines of the State policy, its defence preparedness and security, ensures social order and organizes their implementation. The administration presents State spending plan to the Parliament and its obligation incorporates seeing the acknowledgment of the monetary allowance. Among different groups performed by the administration notice may be made of tabling laws in the *Majilis* (Parliament) and association of organization of state properties, working out measures for directing external policy; guiding the activities of the ministers, State committees, nearby official organs, keeping carefulness on the activities of the clergymen and State advisory groups and in addition on other union and local official organs of the country, arrangement and evacuation of the leaders of the central official organs not shaping piece of the legislature are huge. The government is at risk to release capacities endowed to it by the Constitution, laws and acts of the President of the republic (Galyamova 1998: 27-37).

Kazakh president Nursultan Nazarbayev, in May 1995 directed the establishment of a Special Council to set up another Constitution. The 148-Article draft Constitution was set for across the nation examination. An altered draft was distributed in ahead of scheduled August, 1995 and was endorsed by 89.1 percent for every penny of the electorate in a referendum on 30 August, 1995. The new Constitution safeguarded the broad official powers of the President furthermore nullified the post of Vice President. The Supreme Kenges was supplanted by a bicameral Parliament, containing a 47 part Senate (the Upper Chamber with 40 individuals chose by Kazakhstan's local regulatory bodies and seven named by the President) and 67 specifically chose individuals from *Majilis* (Assembly) (Galyamova 1998: 27-37). The Constitution held Kazakh as the State language however ensured free improvement for every single other language, making Russian by and by the language between ethnic correspondence.

Third stage began in 1997-98; which has seen a glaring difference to the first stage, when the legislature is charged to have started direct restraint gone for the members of dissent walks and unsanctioned gatherings, and in addition agents of the political opponents. Zohvtis pointed that despite the fact that the rights and opportunities are ensured in the State's Constitution, these may be whittled away in second and third levels of enabling legislation (Zohvtis 1999: 58-60). This stage has seen the brief while adjustment, extension of force of President, immerging inter-elite clashes.

During the time of democratic process, there are two positive components which can be highlighted. The first variable has been the presentation of Ombudsman under the President of Kazakhstan in the fall 2002 and the second is a Permanently Acting Deliberation (PAD) made in December 2002 in Almaty, Kazakhstan. Once more, lawful changes constitute another vital angle in the post-autonomy Kazakhstan. The Western nations have helped Kazakhstan hugely in political and lawful changes, through help with the foundation and financing of Non-Governmental Organizations. NGOs are arranged to the system of educational change in Kazakhstan, going for advancing awareness for the need of political, lawful, social and monetary changes in Kazakhstan. The article behind this is to make individuals mindful of the procedure of move from totalitarianism of the past to majority rules system (Carother 1997: 18).

Thus, conclusively, we can say that after the disintegration of the Soviet Union Kazakhstan became independent and adopted a Presidential form of government with a Parliamentary system of democracy. The 1998 Constitutional amendment permits seven year presidential terms but for making Parliament more accountable and responsible to the people. The Constitution has been amended in 2007 and the term of the President was fixed for five years instead of seven and the President could serve a maximum of two terms only. The political system of Kazakhstan has improved over time and now it has become more accountable and responsible to the people of the republic. The adoption of democratic principles gives hope to the welfare of people and improves democratic culture in the country. But the main emphasis should be given more on decentralization of power at all levels so that people can participate in the political system directly which would increase the efficiency of the system. Now, Kazakhstan is following more democratic political initiatives in recent times. This process of democratization may make Kazakhstan a responsible nation in the domestic and international sphere.

**CHAPTER- 4**  
**DEMOCRATIC INSTITUTIONS AND POLITICAL DEVELOPMENT IN**  
**KAZAKHSTAN**

Kazakhstan gained its independence in December 1991 and adopted a new Constitution which was influenced by the Constitution of the Russian Federation. The Constitution of newly independent Kazakhstan delineates a democratic system and secularism as essential and fundamental standards. The Constitution set up a presidential type of government with unitary organization. There are various associations based on democratic functioning, which are working in diverse fields and include the executive, legislative, judiciary, political parties, elections, rule of law; separation of powers and mass media, etc. These institutions have been crucial in the political development of the country. Since independence, Kazakhstan has embraced democratic norms and values in its political framework and followed liberal standards in economic spheres.

Democracy as a theoretical concept is not uni-dimensional and, hence, defies single, universal definition. As an idea, it is both normative and empirical. The Greek words *demos* ('the people') and *kratos* ('power') form the modern word 'democracy' and thus, in the simplest terms, it means 'people's power'. In the words of Abraham Lincoln, democracy is the government "of the people, by the people, and for the people". In its modern usage, democracy appears to signify only 'representation' and not 'participation' in a true sense. Democracy is based on formal Constitutional structures as well as a society characterised by structures of broad, multifaceted power equations. For democracy, institutionalized mechanism is needed in a positive sense. In other words, for democracy to flourish, both the governmental and non-governmental actors should play active role for the welfare of the society (Badan 2001: 117-118).

Understanding the democratization process in Kazakhstan is a complex endeavour. Western political scholars have primarily focussed on the institutional aspects as a measure of expression of democracy, and a greater degree of effort

has been aimed at facilitating the emergence and monitoring the functioning of political institutions. This utilitarian approach has led to institutions functioning in a manner that is remote from intended aims. In fact, the process of democratization has to be reflective of the aspirations and values of the societies it aims to serve. Kazakhstan's social composition is dominated by the inter-relationship and inter-dependence of such institutions as family, clan, tribe, race, sub-ethnic and regional affiliations. During the Soviet era, loyalties based on family and clan identities acted as institutional buffer between the formal State and the individual, and also fulfilled the role of a social support system. With the emergence of newer forms of political systems in the post-Soviet era, the role of community as a support system for individuals has been jeopardized. On the other hand, some scholars have argued that a family and clan-based social system obstructs the realization of meritocracy and emergence of mass-based popular involvement in the country's national politics above historic internal social division (Matveeva 1999).

The conditions in which Kazakhstan initiated its political transformations were hostile. The socio-economic upheavals after independence led to recession in industry and hyper-inflation, while at the same time a shift in the economic and political structure led to a rapid reduction of social living standards. The absence of a market economy, a significant economic prerequisite for political transformation, also hindered the process in Kazakhstan. Under such circumstances, the process led to unintended consequences of politicization of ethnic identity and deterioration of inter-ethnic relation. In these conditions, without traditions of democratic advancement and democratic institution, Kazakhstan had to establish a State system practically from zero (Abisheva 2007). Some other scholars have argued that in Kazakhstan, political stability has been achieved because of concordant democratic transformations. Over the last ten years, the Constitution has proven itself as a competent mechanism that lays a legal foundation for political advancement of Kazakhstan (Umarov 2006).

Kuralay Baizakova points that to achieve robust internal security, it is

critical to carry about democratic reforms in the political system. Political security in modern Kazakhstan is definitely impacted by the political process in the country, which are categorized by a set of both negative and positive factors. The negative factors include: imperfectness of the procedure of political configuration, irregularity in the progression of political construction, inappropriateness and incompleteness in political advancement on a lawful basis, inadequate social principles and a perilous division within the ranks of the society; inconsistency in the political realization of the society; and weaker economic development. The positive factors include: formation of a modern political organism, establishment of the legal and social State, formation of pluralistic society, a multi-party system; democratic elections, democratic transformation in the economic sphere, market relations and support by the majority of the population for democratic and economic reforms (Baizakova 2006: 70).

The overall practice of democratization is essentially about the advancement of democratic institutions. Since independence democratic institutions have been gradually developing in Kazakhstan. Kazakhstan has accomplished lawful development, where all political arguments have been settled within the constitutional structure. The National Assembly, consisting of delegates from all ethnic groups, has been instrumental in sustaining inter-ethnic peace by having consultative power in legislative assembly and direct appeal to the President. It is necessary to see a variety of institutional progresses in Kazakhstan and its impact on political empowerment and upon the roles of political parties, civil society, pressure groups and others non-governmental organizations (NGOs). The function of leadership in encouraging democratization and political steadiness is also extremely imperative.

Political development is a process of development of political institutions, procedures and community. It refers to growing maturity in the manners, norms and values that form the political power structure of a society. It is also related to economic development and impacts the qualitative improvement in the life of people. Political development, thus, is a process of transformation of the socio-



political milieu and a process of acquiring the characteristics of developed country.

Following the disintegration of the Soviet Union, scholars and policy makers were apprehensive that existing Soviet institutions in newly-independent Central Asian states would be rejected and these states would witness either a re-emergence of tribal rivalries, as prevalent in pre-Soviet era, and the rise of violent nationalisms, ethnic conflicts, and Islamic fundamentalism or the adoption of democratic and market oriented reforms. Kazakhstan has evolved to adopt a Western-style multi-party electoral system. The adoption of such a system immediately after independence was symptomatic of the ‘democratic impulse’ witnessed across the newly-independent states in post-Soviet era (Luong 2002). Scholars have also argued that, “although all Soviet successor States adopted Western style political system but after close examination, these electoral systems represent a much greater degree of continuity with Soviet System” (ibid).

With this understanding of the idea of political development, we can analyse the specific issues of political development in Kazakhstan. Kazakhstan proclaimed its independence on 16 December 1991. During the Soviet period, it was part of the tightly controlled and closed authoritarian State, but after independence, the Republic has instituted a democratic form of Government.

## **1. Parliament**

Kazakhstan’s Parliament consists of two houses- the upper house called the Senate and the lower house known as the *Majilis*. Since the Constitutional reforms of 2007, Senate seats have increased from 39 to 47. These Senatemenbers are elected through varying criteria, 32 seats out of 47 are distributed for two members each from the 14 electoral regions and the two important cities of Astana and Almaty. The remaining 15 Senate members are nominated by the President. Traditionally, the *Majilis* consisted of 77, out of which 67 were elected from territorially and demographically divided constituencies, having approximately equal number of voters. The remaining ten

deputies of the lower house were elected on the principle of proportional representation on the basis of Party Lists for the whole country. The Constitutional reforms of 2007 increased *Majilis* seats from 77 to 107, and in the new system 98 deputies are elected through party-list based proportional representation system. The remaining nine deputies are elected by the Assembly of the People of Kazakhstan. Election for members of the *Majilis* through secret ballot and based on universal suffrage. The term of Senate is 6 years and that of *Majilis* is 5 years (Republic of Kazakhstan Country Profile, 2008).

The President is the head of state and determines the fundamental directions of the external and internal policies of the nation. The President has executive power and is at the head of the executive system, With the Prime Minister acting as the Chief Executive of the Republic in aid of the Presidential powers. The Prime Minister is the head of the Government and is accountable to the President and responsible to the Parliament.

The institution of parliament also consists of committees, parliamentary factions, deputies group, legislative plans, and education of deputies etc.

#### **(i) Committees**

The parliamentary chambers, the *Majilis* and the Senate, are composed of seven committees with the responsibility of specific areas of national importance such as agriculture; legal and judicial reforms; international affairs, defence and security, social and cultural development, and ecology and environment; finance, budget and economic transformations and local advancement. The parliamentary deputies may serve on multiple committees, which meet regularly to deliberate on issues. Every committee meets separately and as a part of *Majilis* or under a joint session of the parliament committees deal with issues according to the needs and demands of the parliament as well as the people's interest. Young volunteers from the 'Boloshad programme' help individual deputies and, in the process, also get parliamentary experience (Bowyer 2008: 50).

#### **(ii) Parliamentary Factions and Deputies' Groups**

The composition and organization of parliamentary fractions is highly regulated through legislative rules and procedures. Political parties and individual parliamentary deputies, on behalf of the parties they belong to, have the right to form political “fractions” and “Deputies’ Group” in the *Majilis*. However, a fraction cannot be created with less than seven deputies from a single party; with the condition that one deputy can only serve in one fraction at a time. The fractions represent interest of farmers, negotiate regional problems and look after the welfare of people. The deputies’ groups, on the other hand, can be formed by deputies from different political parties based on common interests. For its creation, a deputies’ group needs the participation of at least 15 members. At present, there is only one existing deputies’ group in the *Majilis*, called the *Zhara kazakhstana*, comprising 16 members of the Nur-Otan who serve on various committees (Bowyer 2008: 51).

### **(iii) Legislatives Plans, Education of Deputies and other Committees**

The legislative plans are described by the *Majilis* and Senate which steer their work from September to June and engage committee’s work in chambers, *Majilis*, Senate and parliamentary joint session. Its meetings are held quarterly to deal with and discuss issues being addressed by the *Majilis* or Senate. The plans are regularly publicized and made available to the public both through newspapers and online sources so as to facilitate informed discussion. The newly-elected deputies of parliament are prepared to take up the responsibilities of working as members of parliament through an education process, courses and seminars, etc.; so that, they can perform their responsibilities and duties in an efficient manner which would be advantageous for them. Some of the practices which help enhance performance of new deputies include contact with foreign Parliaments, research and information, experience of working with the Constitutions, knowledge of the ethnic dimension and functioning of parliamentary watchdogs (ibid: 50-60).

## **2. Executive or Presidential Powers**

The Constitution of Kazakhstan provides all the powers to the President. He addresses the people annually, determines the internal and external policy of the Republic, announces both the regular as well as extraordinary parliamentary elections, addresses the first session of parliament and accepts the oath of its members, calls the joint sessions of the two houses, signs bills submitted by the Senate, within fifteen working days, to make new laws, promulgates the law or returns the bill for another round of discussions (Swain 2009: 272-73).

The President appoints the Prime Minister upon recommendation of the parliament, and consigns the structure of the government with the Prime Minister's consent. The oaths of the new members of the government are accepted by the President, who also presides over governmental meetings on important issues, including proposed changes in the government, proposals for tabling a new bill in the *Majilis*, The President also has the power to annul or suspend, any of the government's or "Akim's" (heads of Regions or *Oblasts*) promulgations or acts, either completely or partially. Appointments to offices of national importance, such as the National Bank's chairperson, is made by the President, with the recommendation of the parliament, and the chairperson serves his office with the pleasure of the President, meaning that the President can also relieve the latter from his office. Other functionaries appointed by the President include the Prosecutor General, ambassadors and diplomatic representatives to foreign countries and the chairperson and two members of the Accounts Committee which controls the Republic's budget for a term of five years. The President admits a declaration on conducting national referendum. In scenarios of menaces threatening democratic establishments, the President along with the Prime Minister and the Chairperson of parliamentary chambers of the Republic, can take decisions regarding the implementation of a state of emergency in the country or in a particular region of the Republic. In such a situation, he shall inform the parliament on the use of armed forces and exercises other power according to constitutional law of Kazakhstan (ibid: 273-74).

#### **Executive vs. the Legislature**

In Kazakhstan, there has always been a tussle between parliamentary and Presidential authority. Since the country has a presidential form of government, in practice, the President has an edge over the Parliament. In so far as the state power in Kazakhstan is a unified one, the head of the state is the guarantor of the unity, inviolability of the Constitution and rights and freedom of the citizens. On the other hand, the parliament is the highest representative body in the country tasked with legislative functions and a significant role is assigned to it in the formation of the legal system of the State.

The Constitution of 1993 established a strong presidential system with limited powers for the Parliament. The Parliament, chosen in accordance with this constitution, served only one year of its five year term and was disbanded in 1995 on a legal technicality. Olcott argues that the legislature serving in Kazakhstan's first two Parliaments regularly debated legislation with vigour and sometimes even forced their will on a reluctant President (Olcott 2005).

Askar Zh. Shomanov argues that "a structure of legislature is conditioned by the necessity for having a balanced, careful, and many-sided discussion, if draft legislation and adoptions of qualitative laws which are in harmony with the interest of different social groups and regions on the basis of common State interest" (Shomanov 1997: 04). In reality, the President is more powerful than any other institution in Kazakhstan. Rafis Abazov argues that in the early 1990s the political situation was intricate because of confrontation between the President and a conservative parliament on the course of economic reforms to be adopted. This led to the establishment of a 'presidential democracy' like in several Latin American countries (Abazov 1999).

In fact, differences between the parliament and the President appeared soon after the passing of the 1993 Constitution. They were dominated by the personality clash between the President and Speaker of the parliament, Seirkbolsyn Abdildin. At that time Parliament was not in the favour of International Monetary Fund (IMP)-backed stabilization programme, something

which Nursultan Nazarbaev and the government of Tereshchenko had attempted to implement since the beginning of 1993. Nazarbaev invited the parliament to dissolve itself in December 1993. He justified the self-dissolution by stating that independent Kazakhstan had not yet held democratic election, which would be scheduled for March 1994 (Cumming 2005).

Petrov and Gafarly argue that the initial reason for self-dissolution was essentially the same as in Russia. The contradiction built in to the political system by the nature of the division of power was at the root of the differences, although it never escalated into open confrontation as in Russia (Petrov and Gafarly 2001). Olcott argues that unlike their fractious colleagues in Russia, the Kazakh legislators were peaceable and were merely seeking to use parliament as a forum for political debate (Olcott 2005).

Later, the Constitutional Court of Kazakhstan declared the 1994 general elections illegal, on the basis of irregularities in a single constituency. As Cumming argues, an additional decree granted the President plenipotentiary powers until the new parliamentary elections. These powers included the unilateral right to make appointments, to adopt a referendum and to declare a state of emergency without recourse to parliament until the first session of the newly elected parliament. This law had openly violated the Constitution, since it gave the President such powers which, according to the Constitution, belonged exclusively to the Supreme Soviet (Cumming 2005).

This dissolution of parliament again empowered the President with plenipotentiary power till the new elections were held. Through the referendum in April 1994, the Kazakh President pushed through the new Constitution, of August 1995, which gave him substantially enhanced administrative and legislative powers, along with an extension to serve in office till December 2000. Cummings argues that “this referendum permitting the President to avoid the competitive presidential elections scheduled for 1996, which might have been contested by two candidates, Olzhas Suleimenov and Gaziz Aldamzharov, who had become

potential rivals to Nazarbaev” (ibid: 26). The Constitutional changes introduced in 1995 virtually ensured that there would be no contestation for the office of the president. Further, Kazakhstan's unicameral legislature was replaced by a much weaker bicameral legislature, with an upper house consisting of senators largely handpicked by the President and a lower house with sharply restricted authority (Olcott 2005).

Thus, the second Constitution of the country made the executive more powerful than the legislature. While the first Constitution of 1993 established a parliamentary-presidential form of government, second Constitution of 1995 favoured one branch of government- the executive. The limits imposed on the parliament decreased its role in the polity of the country. The Constitution of 1995 declared Kazakhstan a Presidential Republic, with the office of the President being a direct participant in the law-making process. After the *Majilis* approves a draft law and the Senate adopts it, the law would acquire legal force only upon approval by the head of the state, i.e., the President.

With respect to the 1999 general elections, Olcott concludes that, the Kazakh President Nazarbayev wanted the elections to help transform the country according to his wishes, a country with a strong dominant Presidential office and a restricted opposition (Olcott 2002). Cummings points out that 1999 election was held early (it was originally scheduled to held in 2000) as a compromise between President Nazarbaev and the parliament. One of the important compromises was the parliament’s amendment which extended the president’s term of office from five to seven years. The minimum age required to hold the office of President was also increased from 35 to 40 years and the upper age limit of 65 for holding this office was lifted (Cummings 2005). In that election Akezhan Kazhegeldin, who had served as Prime Minister from 1994- 1997, was debarred by the Election Commission against the charges of corruption. He was the one of the serious contenders in the election.

Rafis Abazov points out that the presidential election campaign and the

1999 election were one of the most controversial in the whole Commonwealth of Independent States (CIS) region, and were sharply criticised by the global community as well as domestic opposition parties. At the same time, Kazakhstan's presidential elections represented a process exemplifying political transformation amid severe difficulties as witnessed in transitional countries of the CIS and Central Asia. Firstly, like many other countries, Kazakhstan experimented with the 'structural adjustment' approach to the economic reform. Secondly, the Republic tried to experiment with democratization only to experience what Larry and Diamond called 'a paradox of democracy': consent versus effectiveness which in case of Kazakhstan meant growing political corruption and ineffectiveness of the State institutions. Third, the attempts to introduce genuine electoral process and competitive politics in Kazakhstan provoked a mixed response among various political groups which required rethinking the perspectives of democratization (Abazov 1999: 22).

Just after the 2005 Presidential election in Kazakhstan, questions were raised by the Western scholars regarding a breach of Constitution, which stipulates that the President has the right to be elected only for two terms, each term being a period of seven years. Saifolla Sapanov summarized the view of both Western scholars and domestic expert's view regarding the election of President. The Western scholars believe that two terms of Nazarbayev have already expired and according to this, Nazarbayev's participation in the presidential elections was illegal. However, the domestic experts have a different view. They contend that according to the Constitution of 1993 or 1995, Nazarbayev has been the President for one term in office. His first term appeared rather long for the reason that the President, due to internal political crisis, could not stay in office for the whole term till the end. When there was conflict between the parliament and the President, the latter had to hold pre-term elections. The President's first term ended only in 2005. Thus, in domestic circles, the question of legitimacy of Nazarbaev's re-election did not exist (Sapanov 2006: 77-80).

The efficiency of parliamentary development in Kazakhstan is driven by



an organic unity of its modern state and historical preconditions. It has been understood that only that model which has been tested by the country's development and takes account of economic and social specifics and the people's mentality can be ideal for Kazakh society. Sergey Dyachenko argues that Kazakhstan's parliament, by undergoing complex evolution, has become professional and proved its legitimacy as a body which created the legal basis of reforms and strengthened political stability, peace and interethnic accord. It has become a legitimate field for political openness and the lawmaking process itself became a means of legalizing and coordinating the political interests of various political forces (Dyachenko 2007).

Parliamentary sessions in Kazakhstan consist of joint and separate meetings of the chambers, and meetings of the standing committees and joint commissions of the chambers. Parliament now endorses the central budget and reports made by the government and the audit committee for monitoring the implementation of the central budget, and makes amendments and agenda to the budget. Parliament can either approve or reject the government's programmes and can express 'no-confidence' in the functioning of the government. In May 2005, President Nazarbayev, aiming to make use of the constitution's potential and carrying out stage-by-stage political modernization of Kazakh society and state, and increasing the role of parliament, signed the decree on "Measures to Further". It aims to create conditions for more proficient accomplishment of parliament's delegates and lawmaking functions (ibid.).

Likewise, the President prescribed that the *Majilis* hold meetings with the Senate on choices to assign the chairman, deputy chairman and members of the central electoral commission. The chairmen of the chambers are additionally prescribed that they appoint corresponding members of the constitutional council after discussing their candidacies at plenary sessions of the chambers. This means that parliament's function in the political and government procedures is strengthening. It is apparent that the decree considerably increased the functions of the legislature in appointing a number of state executives (Ibid.). Whatever the

role may be, Kazakhstan has emerged as one of the successful democratic countries in the CIS region. It is true that there was a tussle between the President and parliament, particularly in the initial phase of democratic experiment, but slowly the relations harmonized. In the 2005 pre-election campaign, President Nazarbayev placed prominence on escalating the powers of parliament. It can be noted here that Kazakhstan is at a stage of transition from the presidential form to parliamentary form of government. President Nazarbayev now believes that the country's parliament can pass effective and people friendly laws (Sapanov 2006: 82).

Owing to the pressure from democratic forces, Nazarbayev proposed a number of amendments to the constitution, which were presented to the joint session of the Kazakh Parliament on 16 May 2007. The proposed changes were drawn from the recommendations of the 'State Democratization Commission', chaired by the President. They were also consulted with the opposition and other political parties, prominent public figures and civil society institutions. Under these changes, the President's official term was reduced from 7 years back to 5 years. Kazakhstan also reduced the implementation of the death penalty, now it is applicable only in cases of terrorism, causing mass casualties, and mass killing during wars (Swain 2009: 286-87).

These changes have moderately increased the power of the parliament. The President can now select the Prime Minister, who has to represent the majority party, in accordance with the suggestion of the parliament. Hence, the government is responsible to both the head of state as well as the parliament. It is expected that this expanded responsibility would lead to greater competence in the executive branch. The *Majilis* has the right to express no-confidence in any minister with a simple majority. The parliament can also constitute bodies like the Constitutional Board, Central Election Commission (CEC) and Accounts Committee for execution of various tasks.

According to Swain, the Senate will be given supplementary authorities to

pass laws throughout the period when the *Majilis* is not in existence. This will make sure permanent carrying out of political procedures in the country in case the *Majilis* is dissolved before its term ends. In addition, the Senate will grant the nomination of the Chairman of the National Bank of Kazakhstan, which will ensure autonomy of the bank from the executive branch in running monetary and credit policy as well as efficiently carry out its responsibility to the Parliament (Swain 2009: 288-89).

### **3. Judiciary**

Since Kazakhstan attained independence, the judiciary has been playing a vital role in the healthy advancement of the political institutions. It has also enlarged the political development in Kazakhstan. However, the judiciary of Kazakhstan is under the control of the President, in order to secure the importance of the State and functioning for people's welfare. Because of the upgrading of the incentives for the judge and development by the State, its functioning has improved over time. The transformation of judiciary's structure, like new structure of jury trials and incremental reforms, make it in an affirmative change. In Kazakhstan, the highest court is the Supreme Court, with its judges being appointed by the President after being selected by the Senate. These judges do not have a retirement age and serve for life. Under the new Constitution of 1995, the Constitutional Court was replaced by a Constitutional Council, which deliberates on all matters pertaining to the constitution. However, its decisions can only be implemented if they are approved by the president who has a veto. The Council is a seven-member body, with three members being Presidential appointees and four by the legislature.

The legal system of Kazakhstan is based on and inspired by the Continental (Roman-German) legal precedence. The actual law in Kazakhstan is composed of the Constitution, normative legal acts, international treaties, normative resolutions of the Constitutional Council, and Supreme Court

judgements.<sup>11</sup>

According to the 1995 Constitution, the judiciary is under Presidential and executive control. The Supreme Court is at the helm of a judicial system that also comprises of local and *Oblast*(regional) level courts. There is a separate military court system as well to deal with specific legal issues arising from the armed forces. Local level courts serve as courts of first instance, for criminal or civil cases of lesser nature, whereas *Oblast* level courts deal with crimes of more serious nature and also deal with cases emerging in rural areas, which have no separate court establishments. Judgments passed by the local courts may be challenged at the *Oblast* level, and these two levels of courts come under the appellate jurisdiction of the Supreme Court. The Constitutional Council deals specifically with cases which raise the issue of constitutional validity of legislative acts and laws. It has the power to challenge the outcomes of elections and referendums, and to interpret the Constitution.

The Constitution of 1995 was amended in 1998, allowing the President to appoint the chairperson of the Supreme Judicial Council, a body that was constituted to nominate Supreme Court judges. The Council consists of the chairpersons of the Constitutional Council and the Supreme Court, the Prosecutor General, the Justice Minister, Senators, judges, and other legal experts as appointed by the President. The President's recommendations for this council are approved by the Senate. *Oblast* judges are also recommended by this Council and nominated by the President. The President also nominated judges to the lower level courts, from a list prepared by the Ministry of Justice based on recommendations from the Qualification Collegium of Justice, comprising of *Majilis* Deputies, judges, prosecutors, and others appointed by the President. These judges also serve for life

Kazakhstan has been emphasizing on efficient legal and judicial reforms as an essential element in strengthening of human rights. Kazakhstan has signed

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<sup>11</sup>Political System of Kazakhstan, Judicial Branch”, [Online: web] Accessed 27 April 2011, URL: <http://www.kazakhstanembassy.be/DisplayPage.asp?pid=183>

or ratified more than 60 multilateral human rights treaties, including United Nations conventions. Kazakhstan is incorporating all international commitments into its own legal system through legislative measures.

Recent legal steps taken to ensure rule of law and protection of human rights include: establishment of the office of Human Rights Ombudsman in 2002, assigning the state prison system under the administrative control of the Ministry of Justice in 2002, abolishing the death penalty in all but the severest terrorist crimes in May 2007, introduction of trial by jury in 2008 for a narrow range of serious criminal cases, adoption of the ‘National Action Plan for Human Rights 2009-2012’, approval of a Concept of Legal Policy for 2010-2020. The government has also focused on specific issues as witnessed in the promulgation of a law to counter domestic violence, expansion of the scope of non-custodial sentences, and introduction of conciliation in criminal cases.<sup>12</sup>

## **Constitutional Law of the Republic of Kazakhstan on Judicial System<sup>13</sup>**

### **Article 1. Judicial Power**

1. According to Article 1 “Judicial power in the Republic of Kazakhstan belongs only to the courts in the face of permanent judges, and jurors engaged in the criminal court proceedings in the cases and in the procedure stipulated by the law. Justice in the Republic of Kazakhstan shall be administered only by a court. It is prohibited to issue any legislative acts providing for transfer of exclusive powers of a court to any other agencies. No other agencies, or persons shall have the right to assume the powers of a judge or the functions of judicial power. Petitions, applications and complaints, which are subject to consideration in the course of court proceedings, may not be considered or monitored by any other agencies, officials or other persons”.

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<sup>12</sup> *ibid*

<sup>13</sup> Constitutional Law of the Republic of Kazakhstan N132-II of December 25, 2000 on the Judicial System and the Status of Judges of the Republic of Kazakhstan [Online web]:[http://www.legislationline.org/download/action/download/id/5323/file/Kazakh\\_Constitutional\\_la\\_w\\_judicial\\_system\\_status\\_of\\_judges\\_2000\\_as\\_ofMay2014\\_en.pdf](http://www.legislationline.org/download/action/download/id/5323/file/Kazakh_Constitutional_la_w_judicial_system_status_of_judges_2000_as_ofMay2014_en.pdf).

2. Article 1 emphasizes that “Judicial power shall be exercised on behalf of the Republic of Kazakhstan and is intended to protect the rights, freedoms and lawful interests of individuals and organizations, and to ensure the implementation of the Constitution, laws, other regulatory legal acts, and international treaties of the Republic. Everyone shall be guaranteed judicial defense against any unlawful decisions and acts of state agencies, organizations, officials and other persons which infringe or restrict the rights, freedoms and lawful interests provided by the Constitution and the laws of the Republic. No one may be deprived of the right to have his case considered in compliance with all the requirements of the law and fairness by a competent, independent and impartial court. Judicial power shall be exercised by means of civil and criminal court proceedings and other forms of court proceedings established by the law”.

3. According to Article 1 “In the administration of justice, judges shall be independent and subordinate only to the Constitution and the law. It shall not be allowed to adopt any laws or other regulatory legal acts impairing the status and independence of judges. Any interference in the court's activity concerning administration of justice shall not be allowed and shall entail liability pursuant to the law. Judges shall not be accountable for specific cases. Court decisions and demands of judges in exercising their powers shall be binding on all state agencies and their officials, natural persons and legal entities. Failure to implement court decisions and demands of a judge shall entail liability stipulated by the law”.

#### **Article 4. The Unity of the Judicial System**

The unity of the judicial system of the Republic of Kazakhstan shall be ensured by:

- “the principles of justice general and uniform for all courts and judges and established by the Constitution, this Constitutional Law, procedural and other laws;
- the exercise of judicial power within the forms of court proceedings uniform for all courts and established by the laws;
- the application of the current law of the Republic of Kazakhstan by all courts;
- the legislative enactment of the single status of judges;

- the obligatory enforcement of judicial acts which have entered into legal force
- throughout the entire territory of Kazakhstan; and
- the financing of all courts only from the Republic budget”.

#### **Article 6. Establishment of District Courts and Courts Equivalent to Them**

- According to Article 6, “District courts and courts equivalent to them (hereinafter referred to as the district courts) shall be established, reorganized and abolished by the President of the Republic of Kazakhstan pursuant to the proposal of the authorized agency agreed with the Chairman of the Supreme Court. The President of the Republic of Kazakhstan may establish one district court in several administrative-territorial areas, or several district courts in one administrative-territorial area”.
- The total number of judges for the district courts shall be approved by the President of the Republic of Kazakhstan pursuant to the proposal of the authorized agency.
- The number of judges for each district court shall be established by the authorized agency based on the proposal of the chairman of that court.

#### **Article 8. The Powers of a District Court**

1. A district court shall be a court of first instance.
2. A district court shall:
  - consider court cases and materials referred to its jurisdiction;
  - maintain judicial statistics;
  - exercise other powers stipulated by the law.

#### **Article 10. Establishment of Oblast Courts and Courts Equivalent to Them**

According to Article 10 “Oblast courts and courts equivalent to them (hereinafter referred to as the oblast courts) shall be established, reorganized and abolished by the President of the Republic of Kazakhstan pursuant to the proposal of the authorized agency agreed with the Chairman of the Supreme Court. The total number of judges for the oblast courts shall be approved by the President of the Republic of Kazakhstan pursuant to the

proposal of the authorized agency. The number of judges for each oblast court shall be established by the authorized agency based on the proposal of the chairman of that court”.

#### **Article 11. The Structure and Composition of an Oblast Court**

1. An oblast court shall consist of the chairman, the chairmen of the collegiums, and judges.

2. The bodies of an oblast court shall be as follows:

- the supervisory collegium;
- the collegium for civil cases;
- the collegium for commercial cases;
- the collegium for criminal cases; and
- the plenary session of the court.

#### **Article 12. Powers of an Oblast Court An oblast court shall:**

- “consider court cases and materials referred to its jurisdiction;
- maintain judicial statistics;
- study judicial practice and based on the results of summarizing it, consider the issues of keeping the law by the courts of the oblast when administering justice;
- supervise the activities of the administrator of the courts of the oblast; and
- exercise other powers stipulated by the law”.

#### **Article 17. The Powers of the Supreme Court**

1. The Supreme Court of the Republic of Kazakhstan shall be the highest judicial body for civil, criminal and other cases which are in the jurisdiction of the general jurisdiction courts, and shall supervise their activity within the procedural forms provided for by the law and gives clarifications concerning issues of judicial practice.

2. The Supreme Court of the Republic of Kazakhstan shall:

- consider the court cases and materials referred to its jurisdiction;
- study the judicial practice, and based on the results of its summarizing, consider



- the issues of keeping the law by the courts of the Republic when administering
- justice;
- issue regulatory resolutions which provide explanations on issues of application
- of the legislation in judicial practice; and
- exercise other powers stipulated by the law.

**Article 18. The Structure and Composition of the Supreme Court**

1. The Supreme Court shall consist of the Chairman, chairmen of the judicial collegiums, and permanent judges. The total number of Supreme Court judges shall be established by the President of the Republic of Kazakhstan pursuant to the proposal of the Chairman of the Supreme Court.

2. The bodies of the Supreme Court shall be as follows:

- the supervisory collegium;
- the collegium for civil cases;
- the collegium for criminal cases; and
- the plenary session of the Court.

3. A research and advisory council and a publication shall be created with the Supreme Court.

**Article 25. Independence of a Judge**

According to Article 25, “Independence of a judge shall be protected by the Constitution and the law. In the administration of justice judges shall be independent and subordinate only to the Constitution of the Republic of Kazakhstan and the law. No one may interfere in the administration of justice or exert any influence over a judge or jurors. Such acts shall be prosecuted according to the law. A judge shall not be obliged to provide any explanations on the essence of considered or sub judice court cases. Secrecy of retiring room must be secured in all cases without any exceptions. Courts shall be financed, judges shall be materially secured and housing shall be provided to them from the Republic’s budget in the amounts sufficient for full and independent administration of justice”.

## **Article 26. Guarantees of Judge's Independence**

1. The independence of a judge shall be ensured by the following:

- “the procedure stipulated by the law for the administration of justice;
- the liability stipulated by the law for any interference in the judge's activity
- associated with the administration of justice and for contempt of court and judges;
- the inviolability of a judge;
- the procedure stipulated by the Constitution of the Republic of Kazakhstan and
- this Constitutional Law for the election, appointment, termination and suspension of
- the powers of a judge, and the judge's right to resign; and
- the provision to judges, at the expense of the state, of financial support and social
- security appropriate to their status, and prohibition to deteriorate it”.

3. Article 26 emphasizes “Judges, members of their family and their property shall be under the protection of the state, the corresponding authorities of which shall take timely and exhaustive measures to provide for security of a judge and members of his family, safety of their property, if the judge or members of his family file the corresponding application. Any harm inflicted to a judge and his property in connection with his professional activity shall be reimbursed from the Republic’s budget”.

### **4. Political Parties**

After the disintegration of Soviet Union, Kazakhstan initiated political improvement in a few areas, such as constitutional amendments, judicial system, parliamentary framework, mass media, civil society, political culture and political parties, etc. At the present time, a few political parties are working in Kazakhstan. There is multi party system. There are some major political parties that are playing an essential role in the political process. The ruling party is known as Nur-Otan, which dominates political institutions.

According to Bowyer, outside of Nur-Otan, the remaining political parties

can be categorised into three groups: pro-presidential, 'soft' opposition, and 'hard' opposition. The pro-presidential parties include the Rukhaniyat and the Party of Patriots. Those belonging to the second category of soft opposition include the reconstituted Adilet, Ak-Zhol, Aul, the Communist Party, and the Communist People's Party. Hard opposition includes parties, which are opposed to the current leadership such as the All-National Social Democratic Party, Azat (formerly, Naghyz Ak-Zhol) and the unregistered political movement Alga (Bowyer 2008: 12).

Till November 2003, the total number of enrolled political parties was 8. These included the Nur-Otan, the Civil Party, Ak Zhol and four minor parties- the Agrarian Party, the Party of Patriots, Aul, and Rukhaniyat. The Communist Party is the opposition party which is well organised and is autonomous in its functioning. It has been in opposition since 1999 but is considered to be less threatening than others. The Democratic Choice of Kazakhstan, also known as by its Russian name DVK (*Demokraticeskii Vybor Kazakhstana*), has not been allowed to register. The DVK was established in 2001 by Ghalymzhan Zhakiyanov, the previous administrative head of Pavlodar, and former Minister Mukhtar Ablyazov, who was sentenced to prison in March 2002 for misuse of office and subsequently given a Presidential pardon in April 2003. The DVK renamed itself Democratic Power of Kazakhstan (*Demokraticeskaya vlast Kazakhstana*) to acquire enlistment as a new entity but could not succeed.

Several opposition parties, including the People's Congress, the Socialist Party, the Justice Party, the Republican People's Party, and Azamat, have declined to renew their registration. Almost every political party is underdeveloped in its structure and functioning, whether pro-regime or opposition (Mishra 2009: 321).

Political parties or group had begun forming from the middle of 1998 after several changes occurred in region. In January 1996, Kazakhstan's justice ministry allowed the constitution of eight political parties. These were: People's Unitary Party of Kazakhstan, Democratic Party of Kazakhstan, The People's Congress of Kazakhstan, The Socialist Party of Kazakhstan, The Revival of Kazakhstan Party,

The People's Co-operative Party, The Communist Party of Kazakhstan, and The Republic Party of Kazakhstan (Badan 2001: 125-129).

The description of the some parties and their activities are given below in detail:

**(a) Nur Otan**

Nur Otan was established in December 1998 but was registered only 12 February 1999. This party came into existence as an amalgamation of several pre-existing parties after their dissolutions. Among these were the National United Party of Kazakhstan, Democratic Party, Liberal Movement of Kazakhstan and "For Kazakhstan- 2030" movement. The Nur Otan is staunchly loyal to the President. The leaders of the party are well-known public figures, scientists and businessmen. It has grown stronger with the merger of lesser parties such as the Asar Party, Agrarian Party and Civic Party in 2006. In the 2007 Parliamentary elections, the party won 98 seats and received about 88 percent of the total vote (Swain 2009: 276-77).

According to the Central Electoral Commission, the ruling Nur Otan was the only party to have passed the 7 percent commencement limit set by the existing election legislation. According to CEC's data, Nur Otan got 5,174,169 votes i.e. 88.05 per cent; whereas 271,525 votes (4.62 per cent) went to the Nationwide Social Democratic Party; the Party of Patriots got 44,175 votes (0.75 per cent); while 192,155 votes (3.27 per cent) were casted for the Ak Zhol party and 77,274 (1.31 per cent) for the Communist People's Party of Kazakhstan; about 93,023 (1.58 per cent) voters chose the Auyl party; and 24,308 (0.41 per cent) the Rukhaniyat party (Republic of Kazakhstan Country Profile,2008).

The analysis of Nur Otan's activities demonstrates that it is not a ruling party in the full sense of the term, regardless of the President's chairmanship of the party. In any case, the nation's strategy is being determined beyond this party's institutional bodies. As a result, cultural and social events predominate in

the party's activities. Obviously, the fact that the President is a key and dominating element of the country's political system stipulates that Nur Otan is secondary not only to him but also to the instruments of executing supreme power held by him, including, the presidential administration. In these circumstances, the party becomes a mere tool serving the ruling elite's policy, specifically the goals and interests of the President personally as their leader. As the only party in the *Majilis* and with its dominance in the Senate, Nur Otan does not determine priority legislative directions of its parliamentary faction. As a result, MPs mostly consider laws that only the government drafts and proposes. Under these conditions, MPs function independently from the party's central office.

A similar situation is seen in the nation's district, where members of local legislatures depend more on Governors than on the party leadership. In such a state of affairs, Nur Otan has essentially no opportunity to take part in political decision making procedure and control their execution at all level of political system<sup>14</sup> (Kazakhstan: Annual Report on the Development of Society and State 2009).

Despite the fact that it dominates the *Majilis*, the Nur Otan does not seem to take its role as custodian of a multi-party political system for granted. In spite of other parties' inability to restrict its influence, the Nur Otan makes an endeavour to stay in contact with citizens, businesses, rival parties and other interest groups through a forum known as the Citizens Alliance of Kazakhstan. The Nur Otan shares a Memorandum of Understanding with this alliance to promote all-inclusive dialogue and mutual understanding. The party also employs modern methods such as quarterly surveys, conducted through its Centre for Social Research, to stay abreast of social changes and issues most relevant for the electorate. The method of broadening understanding through dialogue and discussion is also followed in the parliament where party factions regularly engage each other on major issues including the budget, economic development,

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<sup>14</sup>Kazakhstan: Annual Report on the Development of Society and State 2009 / Alliance of Analytical Organizations, Friedrich Ebert Foundation, Almaty, 2010- 176 P

social security, etc. Indeed the Deputies have insisted that the government has no counter balance over this Parliament”. (Bowyer 2008: 18-20). Internal disagreements, if it exists, among party members, it mostly subsists on a regional basis.

## **(b) Pro-Government Parties**

### **(i) Rukhaniyat**

Also known as the Rebirth Party, Rukhaniyat is a small party registered in 2003 and led by Altynshash Zhaganova. This party supports the ruling government and based on the primary agenda of stressing on social issues and development issues. The fundamental ambitions of the party are financial development, resolving social crises, moral development and spiritual wellbeing(Republic of Kazakhstan Country Profile, 2008).

### **(ii) Kazakhstan Patriots’ Party (PPK)**

In 2000, the Party of Patriots of Kazakhstan or PPK was established As a party which mostly supports the government though it intermittently shows minor opposition to government policies. PPK is led by Gani Kasimov, who was once Nazarbayev’s rival in presidential elections. In the 2004 *Majilis* elections, it got 0.55% of votes which did not qualify PPK for a seat in the parliament. The party supports setting up of a governing framework based on the rule of law and democratic principles, and promotes a market-economy based civil society characterized by sustainable development and high standards of living with priority attached to public health.<sup>15</sup>

The opposition parties can be categorised in two types:

### **(a) Soft Opposition Political Parties**

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<sup>15</sup>“The Central Election Commission of the Republic of Kazakhstan, Kazakhstan Patriots' Party”, [Online: web] Accessed 16 May 2011, URL: [http://election.kz/portal/page?\\_pageid=153,75212&\\_dad=portal&\\_schema=PORTAL](http://election.kz/portal/page?_pageid=153,75212&_dad=portal&_schema=PORTAL).

**(i) Adilet (Justice)**

Considered a pro-Presidential party, for the 2007 parliamentary elections, the Adilet ade a coalition with Ak-Zhol. Its primary agenda is justice and eradication of corruption. It emerged from the Democratic Party and the “For a Just Kazakhstan” movement in 2004 and is led by Maksut Narikbayev. (Bowyer 2008: 21).

**(ii) Ak-Zhol (Bright Path)**

The Ak-Zhol Party was registered on 3 April 2002 and later registered again on 12 December 2002 along with many new members of the public association, “The Democratic Choice of Kazakhstan”. The Party is focused on maintaining independence, democracy, freedom and justice in Kazakhstan (Kurganskaia 2005: 73). This party strongly engages in activities of political coordination and promotes development and further democratization.

**(iii) The Kazakh Social Democratic Party ‘Auyl’ (Village)**

This party is led by Gani A. Kaliev and was registered on 1 March 2002. Like the Ak-Zhol, it also went for re-registration on 2 April 2003. The party has branches in all Kazakh provinces. The party’s objectives are building up of the government’s administrative standards, promotion of the agricultural sector, securing the interests of the rural workers, political and economic transformations and political development.<sup>16</sup>

**(iv) Communist Party of Kazakhstan (CPK)**

The CPK was established in 1991, and views itself as the legitimate successor of the original Communist Party that existed in Soviet times. The chief purpose of the party, as established in its Constitution, is to develop towards a society of freedom and social justice, functioning on the basis of scientific socialism and antecedence of common human values (Badan 2001: 129). The

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<sup>16</sup> *ibid*

primary mechanisms of mobilization by the party are ideological, political and organizational programmes among the population (Swain 2009: 277).

#### **(v) Communist People’s Party of Kazakhstan**

This party was registered on 21 June 2004 and is led by Vladislav B. Kosarev. Party membership mainly consists of students, workers and intellectuals, and reached a total of about 56,000 at the time of registration. The party has its branches in all regional centers, as well as major cities. The party operates on the ideology of Marxism-Leninism. In the 2004 *Majilis* elections, it received 1.98 % of the votes.<sup>17</sup>

#### **(b) Hard Opposition Political Parties**

##### **(i) Democratic Party of Kazakhstan “Azat”**

This party was established on 29 April 2005 and is led by Bulat Mukishevich Abilov. It was created as a result of division from the DPK “Ak Zhol” and was re-registered as the ‘real’ “Ak-Zhol” on 17 March 2006. “Azat” is considered to be a party of the middle class.<sup>18</sup> Its objectives are to build a democratic, secular and socialist state with an open society, strengthening of the citizens’ attempts in these efforts. On 23 June 2007, the DPK merged with the All National Social Democratic Party (ANSDP), but the decision was cancelled later in 2007. On 29 February 2008, during the fourth congress of the party, it was renamed to DPK “Azat” and on 11 April 2008 it re-registered under this name<sup>19</sup>.

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<sup>17</sup> *ibid*

<sup>18</sup> Electronic government of kazakhstan, Democratic party of Kazakhstan “AZAT”, [Online: web] Accessed 8 May 2011, URL: [http://www.egov.kz/wps/portal/Content?contentPath=/library2/1\\_kazakhstan/kr/politika/article/partiya%20azat&lang=en](http://www.egov.kz/wps/portal/Content?contentPath=/library2/1_kazakhstan/kr/politika/article/partiya%20azat&lang=en)

The Central Election Commission of the Republic of Kazakhstan, Kazakhstan Social and Democratic Party “Auy”, [Online: web] Accessed 4 May 2011, URL: [http://election.kz/portal/page?\\_pageid=153,75212&\\_dad=portal&\\_schema=PORTAL](http://election.kz/portal/page?_pageid=153,75212&_dad=portal&_schema=PORTAL).



### **(ii) National Social Democratic Party (NDSP)**

The National Social Democratic Party (NDSP) is led by Zharmakhan Tuyakbai. It was founded on 10 September 2006 and enlisted on 25 January 2007. The NDSP also aims for a democratic, legal, social state characterized by an innovative economy, and strong humanitarian policy. The party functions on the values of international social-democratic movement and hold dear the guiding principles of freedom, justice and solidarity<sup>20</sup>

### **(iii) Alga People's Party**

The Alga (Forward) party has not yet been registered. It has its origins in the banned movement for “Democratic Choice of Kazakhstan (DCK)”. The DCK was among the most powerful national opposition groups before being declared illegal. Since 2005, Alga has been denied registration four times since its inception on 10 September 2006, under various pretexts. The Alga leadership has constantly tried to garner public sympathy because of repeated denial of recognition, but with little success (Bowyer 2008: 29-30). The main aim of this party is democratization of socio-political sphere.

## **Political Movements in Kazakhstan since 1995**

Various political parties in Kazakhstan have played a very crucial role in initiating reform movements, which subsequently led to a series of social and political reforms in Kazakhstan. There is a need to study these reform movements and the role of various parties in them, while studying the political developments in Kazakhstan.

### **(i) Republican People's Party (RNPK)**

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<sup>20</sup>Electronic Government of the Republic of Kazakhstan, National Social Democratic Party (NDSP), [Online: web] Accessed 12 May 2011, URL: [http://www.egov.kz/wps/portal/ContentcontentPath=/library2/1\\_kazakhstan/kr/politika/article/partiya%20osdp&lang=en](http://www.egov.kz/wps/portal/ContentcontentPath=/library2/1_kazakhstan/kr/politika/article/partiya%20osdp&lang=en).

Republican People's Party (RNPK) was formed in October 1998 by Akezhan Kazhegeldin, who also contested the Presidential election in 2009. But the Government announced his candidature void on the charges of participating in an officially-unsanctioned political meeting. In October 1999, a political forum known as the "Democratic Forces of Kazakhstan" was created by opposition leaders, under the chairmanship of Kazhegeldin, with the aim of reinforcing their struggle against the increasing powers of President Nazarbayev. Government as well as a lack of internal organizational network created several difficulties in the smooth working of this movement. For two years it remained dormant. Finally, Kazhegeldin fled the country into exile (Bowyer 2008: 30).

## **(ii) Azamat**

The establishment of the Azamat Democratic Party of Kazakhstan was on the basis of the political movement of the same name Azamat. The movement appeared for the first time in 1996 after the appeal by 72 prolific and scientific intellectuals. It endures in ten *Oblasts* of Kazakhstan and consists of government officials, scientific and creative intellectuals, small businessmen, and non-political and non-governmental associations. The proclamation of the party is to be an effective opposition and enjoys wide backing in Almaty. The party achieved 4.57 percent of the votes, during the elections to the *Majilis* (Abbishev 2002: 77).

The movement was set up in 1996 by erstwhile government officials Peter Svoik, Murat Auezov, and Galym Abilseitov. A democratic party, named 'Azamat', was formed on 27 March 1999, which was a successor to the people's movement 'Azama'. It also included a number of civil servants, intelligentsia, businessmen, and members of various non-political and non-governmental organizations. Azamat started newspapers called 'XXI Century' and 'Caravan' and owned a commercial TV channel for the spread of their ideas and information. In political spheres, it stressed on multi party government (Swain 2009: 278). Azamat tried to be a 'constructive opposition' in the country.

### **(iii) Democratic Choice of Kazakhstan (DCK)**

The DCK was established on 21 February 2004. It is an opposition party that works towards the democratization of the socio-political sphere and aims to restrain the President's authorities by expanding powers of the legislature. In the 2004 elections, by collaborating with the Communist Party of Kazakhstan, DCK won 3.4 percent of the popular vote and seats in the legislature. The registration rules kept changing in Kazakhstan from election to election. The law on political parties was accepted by the Parliament on 26 June 2002. According to Article 6 and 10, a regional party requires representation of 1000 people, representing 2/3 of the regions in Kazakhstan and for a national party the necessities were much higher, being the representation of 50,000 members from all regions. In 2007, the CEC registered 7 political parties to participate in parliamentary election process (Swain 2009: 278-79).

DCK, from its establishment, attracted several persuasive politicians and affluent businessmen who were disappointed due to allegations of nepotism against President Nazarbayev. The movement had a strong anti-Nazarbayev appeal and censured the President's corrupt rule. Regardless of its repeated endeavours, the government authorities continued to refuse to enlist DCK as a political party. As a result, a party, called the Democratic Choice of Kazakhstan, was created to contest in the 2004 parliamentary elections, in collaboration with the Communist Party, although it failed to win any seats in the parliament. As a sad ending to the party's efforts, two founding members of the movement, Galymzhan Zhaikyanov and Mukhtar Ablyazov, were convicted of embezzlement and misuse of official position for private gains and were sentenced to seven and six years prison terms (Junisbai and Junisbai 2005).

### **(iv) For a Just Kazakhstan**

This movement, also known as "For a Fair Kazakhstan" was established in 2004 as a coalition between the Communist Party of Kazakhstan, the Ak Zhol Party and Democratic Choice of Kazakhstan. The objectives of the movement are

increasing democratization, election for territorial governors, investigation of corruption cases involving the family of the President Nazarbayev and the fair redistribution of national wealth (Tilly 2007: 4).

## 5. Electoral Process in Kazakhstan

After gaining autonomy from the Soviet Union, Kazakhstan has started the process of political democratization. As per the Constitution of Kazakhstan, the state power might be executed through free elections and referendums, and the state power should ideally rest with the people. Democratic elections are a significant political and legal institution. Democracy cannot be acknowledged beyond political election process. It is a procedure to give the open door for the choice of better persons, ideas and thoughts. There are two main electoral frameworks that are implemented in the election of the legislature; they are proportional representation and majority systems. The blend of these two frameworks gives a 'mixed voting system' which Kazakhstan decided to pursue.

Elections for the President, deputies of the *Majilis* of the parliament and *Maslikhats* as well as for local self-administration bodies' members are carried out on the basis of universal, equal and direct suffrage in secret voting. Senate Deputies and *Aakims* of regions and cities of *Oblast* are elected on the basis of indirect suffrage in secret voting. The participation in the elections is purely on voluntary basis and nobody can force people to contest or vote in the election<sup>21</sup>.

The constitution of Kazakhstan lays down the details of the electoral procedures in details. According to the Article 41, the President "might be elected by universal, equal and direct suffrage under a secret ballot for a seven-year term". The qualification standards for the office of the President is that the person shall be a citizen of the Republic by birth, should not be younger than 40 years, shall have perfect command on the Kazakh language and must have lived in

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<sup>21</sup>Electoral system in the Republic of Kazakhstan, [Online: web] Accessed 17 May 2011, URL: [http://e.gov.kz/wps/portal/Content?contentPath=/library2/3\\_vlast/elections/elec\\_sys/article/410&lang=en](http://e.gov.kz/wps/portal/Content?contentPath=/library2/3_vlast/elections/elec_sys/article/410&lang=en).

Kazakhstan for not less than 15 years. The consistent Presidential election might be held “on the first Sunday of December and shall not coincide with the election of a new Parliament”. The presidential candidate who gains more than 50 percent of the total valid votes, will be deemed elected. If none of contenders achieve this criteria in the first round, a second round of elections should be held between the two candidates who got the highest votes in the first round. The person who gets the higher number of votes in the second round of elections is deemed elected (Swain 2009: 271).

The Constitutional Council is accountable for deciding the presidential and parliamentary elections schedules and ensuring constitutional compliance during the process.<sup>22</sup>

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<sup>22</sup>The Embassy of Republic of Kazakhstan, elections [Online: web] Accessed 29 May 2011, URL: <http://www.kazakhembus.com/index.php?page=elections>.

**Table 4.1: Office Holder in the Republic of Kazakhstan**

President	Nursultan Nazarbayev (1991- )
Prime minister	Akezhan Kazhegeldin (1996-1997) Nurlan Balgimbayev (1997-1999) Kasymzhomart Tokayev (1999-2002) Imangaly Tasmagambetov (2002-2003) Daniyal Akhmetov (2003-2007) Karim Massimov (2007-2012) Serik Akhmetov (2012-2014) Karim Massimov (2014-)
First Deputy Prime Minister	Nigmatchan Isingarın, Vitaly Mette (1996) Akhmetzhan Yesimov (1997-1999/2000) Alexander Pavlov (2000) Daniel Akmetov (2001) 2002: vacant Aleksandr Pavlov (2003) Grigory Marchenko (2004) Akhmetzhan Yesimov (2005-2008) Umirzak Shukeyev (2009)

Deputy Prime Minister	<p>Akmetzhan Yesimov, Viktor Sobolev, Imangali Tasmagambetov, Nagashbai Shaikenov, Nikolai Makievsky (1996)</p> <p>Nikolai Makievsky, Viktor Sobolev, Imangali Tasmagambetov, Dyusembay Dyuseynov, Zhanybek Karibzhanov (1997)</p> <p>Zhanibek Karibzhanov (1998)</p> <p>Aleksandr Pavlov; Zhanybek Karibzhanov; Uraz Dzhandosov (1999)</p> <p>Yerzhan Utembayev; Daniel Akhmetov (2000)</p> <p>Imangly Tasmagambetov; Vladimir Sholnik; Uraz Dzhandosov (2001)</p> <p>Imangaly Tasmagambetov, Karim Massimov; Vladimir Shkolnik (2002)</p> <p>Baurzhan Mukhamedzhanov; Karim Massimov (2003)</p> <p>Sauat Mynbayev, Karim Massimov; Akhmetzhan Yesimov (2004)</p> <p>Sauat Mynbayev; Byrganym Aitimova (2005-2006)</p> <p>Aslan Musin (2007)</p> <p>Umirzak Shukeyev (2008)</p> <p>Erbil Orynbayev; Serik Akhmetov (2009)</p>
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Source: Economist Intelligence Unit (2008) EIU Country Profile 2008:

Kazakhstan. London: EIU.

### **Law on Political Parties in Kazakhstan<sup>23</sup>**

“Article 7 provides for the names and symbol of a party. This provision prohibits ethnic, religious, or gender based parties. Article 8 provides for membership of political parties. It prohibits non-citizen, military personnel, national security personnel and judges from membership. Article 9 requires that parties adopt a formal organizational charter. Article 6 provides for the founding of political parties. It is significantly different in its probable effect on political activity than Articles 7, 8 and 9. This Article places burdens on party formation and development which are likely to significantly impair the reinforcement of a robust democratic system. Totally unrestricted party registration might result in an explosion of a number of parties, some of which might be frivolous or lacking substantial popular supports. Unrestricted choices could result in voter confusion as well as substantive administrative and election costs”(ODIHR: 2002).

However, “highly restricted party registration will unduly limit choices of the citizens of the country by precluding parties which represent important fractions of public opinion. The challenge in drafting such legislation is to define a fair and reasonable set of criteria or procedures by which the parties can form and function without unwarranted restraints. Although the State has some legitimate interests in limiting access to party status, the high threshold in this law will chill the development of a pluralistic democratic State. The requirement that there must be an initial conference of 1,000 persons representing two thirds of the regions of Kazakhstan imposes a substantial impediment on the development of new political parties or even the continuing existence of Kazakhstan's present parties. The organizational and travel expense of such an event is likely to limit participation to only a very small segment of the Kazakhstan society”.

Even more daunting than the founding conference requirement is the registration

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<sup>23</sup>Office for Democratic Institutions and Human Rights (2002), Republic Of Kazakhstan, the Law on Political Parties, Adopted On 15 July OSCE/ODIHR Review.



requirement of Article 10. The registration of a political party under this article requires not less than 50,000 members representing all regions and the major cities of Kazakhstan. Each of the 14 oblasts and two cities with republican status must have no less than 700 party members. The previous Law required only 3,000 members nation-wide to register a political party.

Article 10 also requires payment of a fee to the State for registration. A registration fee of a nominal sum to ensure seriousness of purposes is found in many democratic States, but large registration sums can limit party development or restrict it solely to the wealthiest segments of society. Registration or filing fees are unspecified in amount and thus could easily be used as a device to discriminate against unfavored party organizations.

Article 11 should allow political parties to resubmit registration documents after having made necessary corrections when registration was refused on basis of defects in the registration documents. Article 12 appears to provide for or contemplate some form of taxation of political party organizations. This would raise serious questions as to maintaining independence from the State. Article 14 provides for the reorganization or liquidation of political parties. Subdivisions 1 through 4 are standard organizational provisions. Subsection 5 provides for party liquidation under court decision. Of particular interest is the loss of political status if the parties receive less than 3% of the votes during the Majilis elections or fail to participate twice in parliamentary elections. While a level of electoral support is not an unusual provision for party status recognition, a 3% level is a high standard in the context of newly evolving democratic State with newly emerging party organizations. Article 14 point 8 stipulating that a political party shall be liquidated 'as otherwise envisaged by the legislation of the Republic of Kazakhstan' is broadly and vaguely defined. This could lead to abuses.

Article 15 sets forth the rights and obligations of a political party and Article 16 provides for the structure of parties with the obligation to hold a congress or conference at least every four years. Article 18 provides for the sources of funding of political parties, principally envisioning donations and membership dues. Foreign contributions,

government agencies, legislative organizations and anonymous donors are not permitted. Funds are restricted solely to political or charitable uses. They may not be converted to personal use. Articles 15 and 18 provide for regulating political parties in a manner similar in form to many democratic countries.

## **On Political Parties, the Law of the Republic of Kazakhstan<sup>24</sup>**

### **Article 4<sup>25</sup>. The State and political parties**

- “The State shall provide loyalty and lawful interests of political parties.
- Unwarranted interruption of state in the affairs of political parties and political parties in the affairs of state shall not be allowed. As well as assignation on political parties of functions of state bodies shall not be allowed.
- Demand from citizens in any form as well as in the official documents, specification of party identification shall be prohibited.
- Deputies of Parliament, civil servants shall have not the right to hold salaried employment in political parties.
- State employees in the discharge of its duties shall rely by requirements of the legislation of the Republic of Kazakhstan and not linked by the decisions of political parties and their bodies.
- On persons, working in continuing bodies of political parties, shall be distributed the labor legislation of the Republic of Kazakhstan, the legislation of the Republic of Kazakhstan on social service and assurance”.

### **Article 8<sup>26</sup> Membership in a political party**

- “Member of a political party may be a citizen of the Republic of Kazakhstan who reached the age of eighteen.

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<sup>24</sup> On Political Parties, The Law of the Republic of Kazakhstan, dated 15 July, 2002 No 344 available: [http://adilet.zan.kz/eng/docs/Z020000344\\_](http://adilet.zan.kz/eng/docs/Z020000344_)

<sup>25</sup> Article 4 as amended by the Law of the Republic of Kazakhstan dated 15 May, 2007 No 253.

<sup>26</sup> Article 8 as amended by the Laws of the Republic of Kazakhstan dated 16.02.2012 No 562-IV (shall be enforced upon expiry of ten calendar days after its first official publication)

- Membership of foreigners and stateless persons, as well as the collective membership in political party shall not be allowed.
- Military serviceman, employees of national security, law enforcement agencies and judges should not consist in a political party, neither to act in support of any political party.
- Membership in a political party shall be a voluntary, individual and fixed.
- Reception in a political party shall be carried out under authority of written application.
- Membership in a political party may not be limited on grounds of professional, social, racial, generic, ethnic or religious affiliation, as well as depending on the gender or property status”.

**Article 13<sup>27</sup>. Suspension of activity of a political party**

- Activity of a political party may be suspended under court decision for the term of three to six months in the following cases:
  - “breach of the Constitution and legislation of the Republic of Kazakhstan;
  - systematical carrying out of activity, inconsistent to the charter of a political party;
  - public appeal and speeches of the heads of a political party to carrying out of extremism;
  - inconsistency of number of members of a political party to the requirements of paragraph 6 of Article 10 of this Law.
- During the suspension of a political party, the heads and party members shall be prohibited to act on its name in mass media, organize and hold meeting, rallies and other public speeches, as well as shall be suspended the debit operations on bank accounts of a political party, except of calculations on labor contracts, compensation of losses, caused as a result of its activity, and payment of penalty.

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<sup>27</sup>In the Article 13 as amended by the Laws of the Republic of Kazakhstan dated 23 February, 2005 No 33; dated 8 July, 2005 No 67 (the order of enforcement see Article 2

- If during the established term of suspension of activity of a political party the breaches eliminate, the political party shall be resumed its activity”.

### **(i) Presidential Elections**

According to the provisions in the Constitution, the first general presidential election was held on December 1991, with the former First Secretary of the Communist Party of Kazakhstan, Nursultan Nazarbayev, being the sole candidate. He received 99% of the votes. On 29 April 1995, a nation-wide referendum was held on the extension of President Nazarbayev’s term till 1 December 2000. In this referendum, a total 95.4 percent of citizens had participated and 91 percent of electorate voted in favour of the extension.

The political circumstances in the Republic of Kazakhstan in the 1990s were additionally confounded by a showdown between the President and the parliament on the course of economic transformations. In these circumstances, Nazarbayev embraced a regime of ‘presidential democracy’ inspired by similar systems followed in many Latin American states (Donnell 1994: 55-69).

On 1 December 1991, even before the announcement of formal independence, Nazarbayev had sought to legitimize his rule by calling for a popular election. He was the only candidate and the election was reduced to a mere ratification. The only probable opponent was the then leader of the nationalist Jeltoqsan Party who managed to get a miniscule 38,000 of the one lakh signatures required for candidature. Nazarbayev went on to obtain 99 percent of votes (Capisani 2000: 3-12).

On 8 October 1998, the parliament adopted a constitutional rectification for revising the date for the presidential election to January 1999. The base age for holding the office of President was increased from 35 to 45 years and the maximum age-limit of 65 was abolished. This amendment also extended the term of the President up to 7 years.

Following this amendment, the elections of January 1999 were the first time an alternative election system was used in Kazakhstan, with four candidates in the presidential race. In this election, Nazarbayev was re-elected as the President. Serikbolsyn Abdilkin, the candidate of Communist Party of Kazakhstan, came second. The Organization for Security and Co-operation in Europe (OSCE) refused to monitor the elections because the process was alleged to be unfair and because it debarred certain candidates, including the former Prime Minister, Akezhan Kazhegeldin from the electoral process (Swain 2009: 271-72). The rival candidate Serikbolsyn Abdildin secured 12.8 percent of the votes While Gani Kasymov, the former chairman of the Customs committee got 4.7 percent of the votes followed by Engels Gabbasov, who could secure only 0.78 percent votes (Vassiliev 2001: 34).

The Supreme Court, in November 1996 upheld a lower court ruling barring the candidacy of Nazarbayev's main opponent, former Prime Minister Akezhan Kazhegeldin, who had emerged as the main opposition candidate. Kazhegeldin was debarred as of October 1998 for addressing an unregistered organization's gathering. Though Kazhegeldin had little chance of defeating Nazarbayev in the elections, yet his exclusion from the fray secured the path of massive victory for Nazarbayev (Abazov 1999: 22).

The presidential election controversies of 1998 and the holding of early elections on 10 January 1999 came in for critique from the OSCE and other human rights groups as well as local opposition. Nevertheless, the Presidential elections in Kazakhstan represented a unique example of political transformation in erstwhile Soviet states. First, like many other nations, Kazakhstan experimented with the 'structural adjustment' approach to the economic changes, executing suggestions of the World Bank and International Monetary Fund (IMF). On the other hand, the Republic attempted to explore democratization just to encounter what Larry Diamond called 'paradox of democracy: consent versus effectiveness', which in case of Kazakhstan exemplifies growing political corruption and ineffectiveness of the state institutions. The endeavours to present

natural electoral procedure and competitive politics in Kazakhstan have provoked a mixed response among various political groups and there have been several views on the democratization process (Diamond 1996: 111-114).

Assessing the election in Kazakhstan Christopher H Smith, representative to the OSCE, made the following observation: “the exclusion of would-be candidates, along with the snap nature of the election, intimidation of voters, the ongoing attack on independent media and restrictions on freedom of assembly, moved the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) to urge the election's postponement, as conditions for holding free and fair elections did not exist. Ultimately, ODIHR refused to send a full-fledged observer delegation, as it generally does, to monitor an election. Instead, ODIHR dispatched to Kazakhstan a small mission to follow and report on the process. The mission's assessment concluded that Kazakhstan's election process fell far short of the standards to which the Republic of Kazakhstan has committed itself as an OSCE participating State” (OSCE 1999).

The next presidential election was called for 4 December 2005, representing the second multi-party contest since 1991. In addition to sitting President Nazarbayev, the election was contested by four candidates, namely, Yerassyl Abylkasymov (Communist People's Party of Kazakhstan), Alikhan Baimenov (Ak Zhol), Mels Yeleussizov (Independent) and Zharmakhan Tuyakbai ('For a Just Kazakhstan' Movement). Due to the mandatory requirement of Kazakh language test, no representative from the ethnic minority community could contest. The *Sailau* e-voting system was used first time in the 2005 presidential election (Swain 2009: 272).

President Nazarbayev was re-elected for another term of seven years, till the next presidential elections of 3 April 2011. Before these elections, the call for holding a referendum over the question of increasing Presidential term limits till 2020 was rejected by the Constitutional Council. Nevertheless, President Nazarbayev was elected again, for a third time, with 95 percent of the votes and

90 percent turnout, against three nominal candidates. The OSCE had complained once again about a lack of transparency and fair competition in the elections.<sup>28</sup>

The next presidential elections were held on 26 April 2015, although the original schedule was for holding these elections in 2016. The result was a victory for serving President Nazarbayev once again, who received 97.7% of the vote, getting to rule the country for a consecutive fifth term, including 1991 presidential election. On 14 February 2015, the parliament had unanimously voted bring forward the presidential elections from 2016 to 2015, with one declared reason being the prospect of furthering the economic development of the country. Other reasons cited were the disadvantages associated with holding both presidential elections as well as parliamentary polls in the same year. On 18 February, the *Majilis* unanimously presented the President with the proposal of moving the elections forward, followed by the same suggestion of the Senate the next day. Subsequently, on 25 February 2015, President Nazarbayev officially signed a decree fixing presidential elections for 26 April and simultaneously confirming that he would contest the elections (OSCE 2015).

With the help of following tables, we can analyze the situation of political party and its leaders' performance by the elections which were held in 1999, 2005, 2011 and 2015.

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<sup>28</sup>Presidential Election in Kazakhstan, URL: <http://www.assembly.kz/eng/component/k2/item/908-kazakhstan-has-chosen-the-leader-creator-in-the-presidential-elections-nursultan-nazarbayev-won-more-than-95-of-the-votes.html>

**Table 4.2: Presidential Elections: Kazakhstan**

<b>Year</b>	<b>Turnout</b>	<b>Nazarbayev (Nur Otan)</b>	<b>Others</b>	<b>Total No. of Candidates</b>
1991	88.2%	98.78%	N/A	1
1999	87%	81%	18%	4
2005	76.78%	91.15%	8.99%	5
2011	89.99	95.55	4.45	4
2015	95.21	97.75	3.25	3

*Source: OSCE (2015), OSCE, BBC, Election Watch (Journal of Democracy); and - Kazakhstan Presidential Election, 2011, Assembly of People of Kazakhstan, available at, <http://www.assembly.kz/eng/component/k2/item/908-kazakhstan-has-chosen-the-leader-creator-in-the-presidential-elections-nursultan-nazarbayev-won-more-than-95-of-the-votes.html>*

From the above table we can see in 1991 presidential election, total turnout was 88.2%. Nur Otan party gained 98.78% vote. In this election Nursultan Nazarbayev was the only candidate. In 1999 presidential election, total turnout was 87%. Nur Otan party gained 81% vote and others 18%. There were four candidates. In 2005 presidential election, total turnout was 76.78%. Nur Otan party gained 91.15% vote and others 8.85%. There were five candidates. In 2011 presidential election, total turnout was 89.99%. Nur



Otan party gained 95.55% vote and others 4.45%. There were five candidates. In 2015 presidential election, total turnout was 95.21%. Nur Otan party gained 97.75% vote and others 2.25%. There were three candidates. In this way from 1991 to 2015 in every election, the Nur Otan Party was leading.

**Table 4.3 Results: Presidential Election, 1999**

<b>Candidate</b>	<b>Party</b>	<b>Votes</b>	<b>Percent</b>
Nursultan Nazarbayev	Independent	5,846,817	81
Serikbolsyn Abdilin	Communist Party of Kazakhstan	857,386	11.9
Gani Kasymov	Independent	337,794	4.7
Engels Gabbasov	Party of People’s Unity of Kazakhstan	55,708	0.78
Against all		123,703	1.2
Invalid/blank votes		107,562	
<b>Total</b>		<b>7,328,970</b>	<b>100</b>

*Source: Nohlen, Dieter eds (2001) “Election in Asia and in Pacific”, Oxford University Press, and Olcott (2002), Swain (2009), Kazakhstan Annual Report (2009), Kazakhstan Country Profile (2008), Vassiliev (2001: 34).*

After the analysing of the above table we can see in 1999 presidential election, total votes were 7,328,970. Independent (Nur Otan) party gained 81% vote and others

18%. There were four candidates: Nursultan Nazarbayev, Serikbolsyn Abdilin, Gani Kasymov and Engels Gabbasov who got 81%, 11.9%, 4.7% and 0.78% vote respectively. In this way, the Nur Otan Party was won the presidential election of 1999.

**Table 4.4 Results: Presidential Election, 2005**

<b>Candidate</b>	<b>Party</b>	<b>Votes</b>	<b>Percent</b>
Nursultan Nazarbayev	Fatherland (Otan)	61,47,517	91.15
Zharmakhan Tuyakbay	Coalition for a Just Kazakhstan (Ediletti Kazakhstan Yuzhin)	4,45,934	6.61
Alikhan Baimenov	Democratic Party of Kazakhstan Bright Path (Qazaqstan Demokratiyalyk Partiyasi Ak Zhol)	1,08,730	1.61
Yerassyl Abylkassymov	Communist People's Party of Kazakhstan (Qazaqstan Kommunistik Khalkik Partiyasi)	23,252	0.34
Mels Eleusizov	Tabighat	18,834	0.28
<b>Total</b>		<b>67,44,267</b>	

*Source: Results of Presidential election in Kazakhstan, Keesing's Record of World Events, News Digest for December 2005, vol 51, no 12, p.46992.).*

From the above table, we can see that in 2005 presidential election, total votes were 6744267. Fatherland (Otan) party gained 91.15% vote and others 8.99%. There were five candidates, namely Nursultan Nazarbayev, Zharmakhan

Tuyakbay, Alikhan Baimenov, Yerassyl Abylkassymov and Mels Eleusizov, who secured 91.15%, 6.61%, 1.61%, 0.34% and 0.28% votes respectively. Thus, the Fatherland (Otan) Party was won the presidential election of 2005.

**Table 4.5 Results: Presidential Election, 2011**

<b>Candidates and nominating parties</b>	<b>Votes</b>	<b>Percent</b>
Nursultan Nazarbayev – Nur Otan	78,50,958	95.55
Ghani Qasymov – Patriots Party	1,59,036	1.94
Zhambyl Akhmetbekov – Communist People’s Party of Kazakhstan	1,11,924	1.36
Mels Eleusizov – Tabighat	94,452	1.15
Total (turnout 89.99%)	82,16,370	100

*Source: Kazakhstan Presidential Election, 2011, Assembly of People of Kazakhstan, available at, <http://www.assembly.kz/eng/component/k2/item/908-kazakhstan-has-chosen-the-leader-creator-in-the-presidential-elections-nursultan-nazarbayev-won-more-than-95-of-the-votes.html>*

From the above table, we can see that in 2011 presidential election, total votes were 82,16,370. Nur Otan party gained 95.55% vote and others 4.45%. There were four candidates. Nursultan Nazarbayev, Ghani Qasymov, Zhambyl Akhmetbekov and Mels Eleusizov who gained 95.55%, 1.94%, 1.36%, and 1.15% vote respectively. In this way, the Nur Otan Party was won the presidential election of 2011.

**Table 4.6 Results: Presidential Election, 2015**

<b>Candidate</b>	<b>Party</b>	<b>Votes</b>	<b>Percent</b>
Nursultan Nazarbayev	Nur Otan	88,33,250	97.75
Turgun Syzdykov	Communist People's Party	1,45,756	1.61
Abelgazi Kusainov	Independent	57,718	0.64
Invalid/blank votes		54,196	-
Total		90,90,920	100
Registered voters/turnout		95,47,864	95.21

*Source: OSCE: Kazakhstan, Early Presidential Election, 26 April 2015: Statement of Preliminary Findings and Conclusions, CEC of Kazakhstan.*

The above data related with presidential elections of Kazakhstan endeavours to explore the election outcome which constantly backs the same candidate, Nursultan Nazarbayev, in every presidential election. If we analyze the vote percent of the President since 1999 elections we can see the escalating vote per cent in his favour. He got 81 per cent vote in 1999, 91.15 per cent vote in 2005, 95.55 per cent vote in 2011 and 97.75 per cent vote in 2015 presidential elections. This analysis exhibits the prevalence of the President Nazarbayev in the Republic. But, there are also several aspects that show that the elections were not

held in a fair manner. Some independent NGOs and media censure the presidential elections of Kazakhstan. The ruling party and President utilised government mechanisms as a part of his campaign. On the other hand there are international organizations such as the Shanghai Cooperation Organization (SCO) and the CIS which deemed these elections to be fair.

## **(ii) Parliamentary Elections**

According to the Constitutional provisions, the electoral procedure of Kazakhstan legislature is determined by the CEC at the national level, and the regional and local polling station election commissions at the middle and lower level. All the political parties are allowed to participate in this election. The media is also permitted to cover the election procedure in the Republic. The first lower house election was held in March 1994 and in this election, Kazakh majority delegates were elected by the common people. Faced with a no confidence vote in his Prime Minister Treshenko, Nazarbayev nominated Kazhegeldin as the new Prime Minister. The upper chamber election was held to fulfil 38 of the 40 regionally elected seats, in 1995. In October 1999, the second election to the *Majilis* was held. This was the first alternative parliamentary election, observed by the OSCE. 65 candidates from nine political parties contested for the 67 directly contested seats, from single member constituencies.

All the 10 party seats were filled in the first round of elections in which the pro-President Nur Otan Party won 4 seats, and the Communist Party of Kazakhstan, the Agrarian Party of Kazakhstan and Civic Party of Kazakhstan each won 2 seats. Of the 67 directly contested seats, 20 were filled in the first round of elections and ‘run-off’ elections were held for 47 seats. Finally, Nur Otan Party emerged as the largest party among the registered parties of the country. Thirty four independent candidates contested the elections. The OSCE, which monitored the elections, cited numerous breaches of the election law (Swain 2009: 274-75).

In 2004, the next multi-party elections for electing Deputies to the

*Majilis* were held under the new electoral law adopted in 2004<sup>29</sup>. The Pro-President, Nur Otan Party won 7 out of 10 seats distributed on the basis of overall votes for specific parties and 35 of the 67 single seat constituencies, giving it a total of 42 out of 77 seats in the lower chamber. The Asar Party got the rest of the vote with 7 other small parties. These were related to President's loyalists. The leader of Asar Party was President's daughter Dariga. In this election, only one seat of the total of 77 went to an opposition party, the Ak Zhol. Protesting against irregularities in the election, the member of the Ak Zhol party resigned from the lower house. The election was also criticized by the international observers (Buluktaev 2004: 20).

After the Constitutional reform of 2007, the President dissolved the *Majilis* and called for early parliamentary elections on 18 August 2007. In this election, 98 deputies were elected by party lists and nine were reserved for the Assembly of People of Kazakhstan. The Nur Otan party gathered about 88% of the ballots, winning all the 98 seats. The other six political parties contesting the election were unable to reach the mandated 7 percent ballot threshold to win any seats in the *Majilis* (Swain 2009: 276).

The last legislative elections were held in January 2012. This was also preceded by the President dismissing the legislature prematurely, on 16 November 2011, and calling for early elections, on 15 January 2012. This time, the reason for dismissal of parliament was given as the threat of a "political crisis" emerging between the legislative and executive branches of the government. The President asserted that the crisis was impending as a result of the possibility of another global economic slowdown. The Presidential Adviser added that other causes for this decision included: rising terrorist threat and expanding popular discontent, which made it a challenge for the ruling party to hold on to its majority if elections were held at the normal schedule. Critics argued that the holding of early elections appeared to be aimed at hindering the opposition from effectively

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<sup>29</sup>The Embassy of Republic of Kazakhstan, elections [Online: web] Accessed 29 May 2011, URL: <http://www.kazakhembus.com/index.php?page=elections>.

preparing for the election and campaigning. There were also allegations that the government had prepared for an early election, including suspending the activities of the opposition Communist Party in October 2011, on the grounds that the party was trying to form an illegal alliance with an unregistered party to participate in a future legislative election. Another possible preparatory move included the *Ak Zhol* Party's selection of Azat Peruashev, who was allegedly a supporter of Nazarbayev, as its head. Under a law passed in 2009, more than one party must be represented in the legislature, so that even if only the ruling party gained enough votes to win seats under normal rules, a runner-up party would be granted at least two seats (Nichol 2013: 3-15).

Seven parties were registered to contest 15 January 2012 elections. One party, Rukhaniyat, was de-registered two weeks before the election; calling for accusation of misdemeanor from the OSCE. Days before the election, over two dozen candidates were removed from the party lists by the CEC on the charges of alleged inaccuracies in their documentation (Nichol 2013: 3-4).

According to CEC released data, the ruling Nur Otun Party received 80.99% of a total of 7.02 million votes and won 83 seats, Ak Zhol received 7.47% of the vote and 8 seats, and Communist People's Party received 7.19% and 7 seats. The other four parties, the National Social Democratic Azat, Auyt, Patriots, and Adilet, failed to clear the 7% vote threshold and won no seats. Indeed, even the presidential office was forced to acknowledge that other two parties that won seats in *Majilis* were pro-Nazarbayev parties. The OSCE election monitors adjudged the election non-conforming to international democratic standards. They reported that the legal framework for holding democratic elections was incompetent, only some particular parties were permitted to participate in the elections; voters had no idea about the candidates who would win the seats. Open exchange of views during the campaign was restricted, and there were "significant irregularities" on voting day, including ballot box stuffing and "significant changes" by higher electoral bodies to vote totals reported at the precinct level. The OSCE monitors also raised concerns that the CEC had acknowledged the

winners before the appeal process period was over (Ibid: 4).

The latest Kazakh parliamentary elections were held on 20 March 2016. Following the pattern, the *Majilis* was dissolved as per its own request to the President on 13 January 2016, citing economic crisis and low oil prices. Thus, the lower house was curtailed from carrying out its normal term till September 2016. From the following tables, we can study the nature of political development in Kazakhstan; especially by parliamentary elections of 1994, 1995, 1999, 2004, 2007, 2012 and 2016. These seven parliamentary elections indicate the one party dominance. The results of parliamentary elections of the Republic given below-

**Table 4.6: Parliamentary Election Results (*Majilis*), 1994**

<b>Date</b>	<b>Voter turnout (in % of the electorate)</b>	<b>Parties</b>	<b>Seats</b>
7 March 1994 (135 contested seats)	73.5	Independent candidates	57
		Peoples' Unity Party of Kazakhstan	32
		People's Congress Party of Kazakhstan	22
		Socialist Party	12
		Federation of Trade Unions	12

*Sources: Bowyer 2008: 43-50; Economist Intelligence Unit (2008) EIU Country Profile 2008: Kazakhstan. London: EIU.*

After analysing of the parliamentary elections of 1994, we can see the total voter turnout was 73.5%. The Independent candidates won 57 seats. Peoples' Unity Party of Kazakhstan, People's Congress Party of Kazakhstan, Socialist Party and Federation of Trade Unions gained 32, 22, 12 and 12 seats respectively.



**Table 4.7: Parliamentary Election Results (Majilis), 1995**

<b>Date</b>	<b>Voter turnout (in % of the electorate)</b>	<b>Parties</b>	<b>Seats</b>
9 December 1995 (67 contested seats)	76.2	Independent candidates	41
		Peoples' Unity Party of Kazakhstan	12
		Democratic Party	12
		Communist Party	2

*Sources:* Bowyer 2008: 43-50; Economist Intelligence Unit (2008) EIU Country Profile 2008: Kazakhstan. London: EIU.

From this table, it can be understood that the total voter turnout was 76.2%. The Independent candidates won 41 seats. Peoples' Unity Party of Kazakhstan, Democratic Party and Communist Party gained 12, 12 and 2 seats respectively.

**Table 4.8: Parliamentary Election Results (Majilis), 1999**

<b>Date</b>	<b>Voter turnout (in % of the electorate)</b>	<b>Parties</b>	<b>Seats</b>
10 October 1999 (77 contested seats)	N/A	Independent candidates	35
		Otan	24
		Civic Party	11
		Communist Party	3
		Agrarian Party	3
		Republican People's Party of Kazakhstan	1

*Sources: Bowyer 2008: 43-50; Economist Intelligence Unit (2008) EIU Country Profile 2008: Kazakhstan. London: EIU.*

From this table, it can be gauged that in the parliamentary elections of 1999, the Otan (Nur Otan) became the biggest party. The Independent candidates won 35 seats. Otan, Civic Party, Communist Party, Agrarian Party and Republican People's Party of Kazakhstan gained 24, 11, 3, 3 and 1 seats respectively.

**Table 4.9: Parliamentary Election Results (Majilis), 2004**

<b>Date</b>	<b>Voter turnout (in % of the electorate)</b>	<b>Parties</b>	<b>Seats</b>
19 September 2004 (77 contested seats)	56.5	Otan	42
		Independent candidates	18
		AIST Bloc	11
		Asar	4
		Ak-Zhol	1
		Democratic Party	1

*Sources: Bowyer 2008: 43-50; Economist Intelligence Unit (2008) EIU Country Profile 2008: Kazakhstan. London: EIU.*

After analysing of the parliamentary elections of 2004 of Kazakhstan, we can see the Otan (Nur Otan) maintained its dominance by winning 42 seats. Independent candidates, AIST Bloc, Asar, Ak-Zhol and Democratic Party won 18, 11, 4, 1 and 1 seats respectively.

**Table 4.10: Parliamentary Election Results (Majilis), 2007**

<b>Party</b>	<b>Votes</b>	<b>%</b>	<b>Seats</b>
Nur Otan	5,247,720	88.4	98
Nationwide Social Democratic Party	269,310	4.5	0
Democratic Party of Kazakhstan Ak Zhol	183,346	3.1	0
Kazakhstani Social Democratic Party Auyl	89,855	1.5	0
Communist People's Party	76,799	1.3	0
Party of Patriots	46,436	0.8	0
Rukhaniyat Party	22,159	0.4	0
Invalid/blank votes	146,805	-	-
Total	6,082,430	100	98
Registered voters/turnout	8,891,561	68.4	-

*Sources: Bowyer 2008: 43-50; Economist Intelligence Unit (2008) EIU Country Profile 2008: Kazakhstan. London: EIU. OSCE Election Report (2007).*

From the above table, we can adjudge that in the parliamentary elections of 2007, the Otan (Nur Otan) remained the biggest party with all 98 seats, while other parties got no seats.

**Table 4.11: Parliamentary Election Results (Majilis), 2012**

<b>Party</b>	<b>Votes</b>	<b>%</b>	<b>Seats</b>
Nur Otan	5,621,436	80.99	83
Democratic Party of Kazakhstan Ak Zhol	518,405	7.47	8
Communist People's Party	498,788	7.19	7
Nationwide Social Democratic Party	116,534	1.68	0
Kazakhstani Social Democratic Party Auyl	82,623	1.19	0
Party of Patriots	57,732	0.83	0
Democratic Party Adilet	45,702	0.66	0
Invalid/blank votes	77,707	-	-
Total	7,018,927	100	98
Registered voters/turnout	9,303,693	75.44	-

*Source: OSCE: Kazakhstan, Early Parliamentary Elections, 15 January 2012: Final Report, (Nichol 2013).*

After analysing the data for the parliamentary elections of 2012, we can see the the Otan (Nur Otan) continued its dominance, albeit to a lesser degree than the previous elections. Otan party got 83 out of 98 seats. Democratic Party of

Kazakhstan Ak Zhol got 8 seats. Communist People’s Party got 7 seats and others got zero seats.

**Table 4.11: Parliamentary Election Results (*Majilis*), 2016**

Party	Votes	%	Seats
Nur Otan	6,183,757	82.20	84
Democratic Party of Kazakhstan Ak Zhol	540,406	7.18	7
Communist People's Party of Kazakhstan	537,123	7.14	7
Kazakhstani Social Democratic Party Auyl	151,285	2.01	0
Nationwide Social Democratic Party	88,813	1.18	0
Birlik	21,484	0.29	0
Invalid/blank votes	43,282	-	-
Total	7,566,150	100	98

**Source:** Central Election Commission of the Republic of Kazakhstan, available at: <http://www.election.kz/eng/news/news/index.php?ID=3325>

From the above tables of the parliamentary election of Kazakhstan, we can examine that the democratic political advancement in the Republic has not been a smooth process. Progressions can be witnessed on account of the dynamic cooperation among the political parties and movements in the region. The Constitution of this nation has changed every once in a while to evolve with the changing circumstance and as a consequence has accepted Presidential-

Parliamentary form of Government. However, the ruling party has been trying to arrange the elections in many ways, which has been reprimanded by democratic forces and international community. An analysis of election results shows the ruthless domination of the ruling party of Kazakhstan, the Nur Otan. Some independent NGOs and media criticise the elections as unfair. However, at least we can see the political and democratic development in Kazakhstan due to regular elections in the Republic.

## **CHAPTER- 5**

### **CIVIL SOCIETY AND DEMOCRATIC POLITICAL CULTURE IN KAZAKHSTAN**

For a proper understanding of Kazakhstan's civil society and its predominant political culture, it is essential to examine the prevailing realities in the republic. Civil society is a part of the cooperation in which associations and groups of people operating within a society collaborate on issues. Civil society emphasises on value-based society and in the public sphere it gives valuable suggestion and inputs in public debates and arguments. These suggestions and inputs are critical factors “in the advancement of universal values around human rights, the environment, labor standards and anti-corruption,”<sup>30</sup> which gives voice to various sections of the society and enriches public participation in democratic institutions.

#### **Theoretical Understanding of Civil Society**

Modern political thought, in the writings of thinkers starting from Thomas Hobbes, is characterised by a tendency to measure the state of a political society, in juxtaposition to the state of nature or natural society, in an effort to arrive at the supreme, most-evolved and definitive stage in the common and collective life of humanity. This has been suggested as a rational idea, as the ‘most perfect’ consequence of the process of rationalization of the human instincts or interests via which the rule of unguided power is morphed into one of coordinated liberty. The ‘political state’ is conceived as a resulting product of human reason and a rational society as the only form of collective existence in which human beings can lead a life that conforms to reason, and their nature. This conception emerges from and fuses both the realist theories. Theories of natural law, as those suggested by Emmanuel Kant or Thomas Hobbes or Rousseau, propose the most

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<sup>30</sup>For detail please see

[http://www.corporateresponsibility.ch/modules/corporate/CSRResearch/simpleText/0/content\\_files/file1/nyBaertCSRappliedtoNGOs.pdf](http://www.corporateresponsibility.ch/modules/corporate/CSRResearch/simpleText/0/content_files/file1/nyBaertCSRappliedtoNGOs.pdf)

ideal models of the state, by enumerating its defining features in an effort to arrive at a realization of its true purpose. The process of ‘rationalization’ of the state, meaning the realization of the state as a rational society, in accordance with theories of natural law, is coterminous to the process of ‘sanitization’ of reason, which is typical of theories of the reason of state. According to Hegel, who represents the decisive break with this tradition of political thought as well as its culmination, the two processes are synthesized, so that in the “Philosophy of Right”, the rationalization of the State achieves its ultimate expression “for an ideal model, but as the key to understanding the real movement of history Rationality of state is no longer just a necessity but a reality, not just an ideal but a historical event” (Chandhoke 1995: 80-83).

Karl Marx shows a profound insight into Hegel’s thought when he stated that Hegel was not wrong in representing the nature of the modern state as it is. The rationalization of the state could only be arrived at through the use of a ‘dichotomic model’, where state is understood as a clean break from a pre-State or anti-State society. Three principle variants of this model can be identified; the political State as radical negation which eliminates and overthrows the natural state that is as a renewal, in comparison to the stage of human evolution preceding the state. With Hegel, the rationalization of state reaches its zenith, followed by the stage of demise of the state with the coming of the Industrial revolution and the accompanying new order regulated not by politics but by science and industry. This latter idea came to be the defining feature of political ideologies that dominated the nineteenth century (Beteille 2001: 288-289).

Tehseen Nisar argues that “Gramsci’s theory introduces a profound innovation with respect to the whole Marxist tradition. Civil Society, according to Gramsci, does not belong to the structure, but to the super-structure. In spite of the many analyses that have been made in the last few years of Gramsci’s concept of civil society, it seems that this fundamental point, upon which his conceptual system hinges, has not been sufficiently stressed”. Gramsci cites an important historical example: civil society in the Middle Age is the Church understood as



“the hegemonic apparatus of the ruling group, which did not have its own apparatus, i.e. cultural and intellectual organization, but regarded the universal, ecclesiastical organization as being that” (Chandhoke 1995: 80-81). For Gramsci, civil society comprises not “all material relationships, but all ideological-cultural relations; not the whole of commercial and industrial life’, but the whole of spiritual and intellectual life” (Gramsci 1971: 72).

According to Marx and Gramsci, civil society represents the active stage of historical evolution, not the state. However, in Marx this active and positive stage is structure, while, in Gramsci, it is superstructure. Gramsci “derives his thesis concerning civil society from Hegel and sees it as belonging to the superstructural sphere and not to the structural. On the other hand, Marx also involves Hegel’s civil society when he identifies civil society with all economic relations, that is, with the structural sphere” (Nisar 2013: 163). Hegel stresses on the institutions which regulate them, the corporations, which as Hegel says, along with the family, constitute “the ethical root of the State, the one planted in civil society, which he calls elsewhere ‘the firm foundation of the State’, the pillars of public freedom”. Thus, the Gramscian idea of civil society represents the final stage, where organization and regulation of the various interests (meaning the corporations) provide the basis for the transition towards the state (Beteille 2001: 288-290).

### **Relations between State and Civil Society**

There are various conceptions regarding state and civil society. Some believe that civil society is not different from the State. Others establish a clear demarcation between the two. Some view that State intervenes in the civil society. It provides some insight to understand the role of civil society and State. Civil society is arena of voluntary, self-regulated social life that is autonomous from the State (Diamond 1994: 05-18). Modern literature often prescribes greater civil society involvement as a crucial prerequisite to achieving developmental objectives. Such arguments view civil society groups and organizations as ways to

bring greater attention to citizen's concerns and, thus, counteracting vested interests, which harm the public interest especially when civic institutions are not strong enough to function efficiently (Edwards 2004).

A vibrant and thriving civil society can hold governments accountable as well as act as a base for the sprouting of truly democratic political culture. This understanding supports the assertion that promotion of a strong civil society establishment can lead to strengthening of democracy. Similarly, it is also argued that a vibrant civil society positively influences institution-building and fostering of sensitive and responsive institutional behaviour (Carothers 2004).

John Beauclerk and Simon Heap have examined global trends in civil society-state engagements and presented “the simplistic model of state-civil society relations and a more multifaceted dynamic model appearing at both the oppositional and complimentary tendencies of the relationship” (Garbutt and Heap 2003: 28). Major global economic and political trends show that the Civil Society-State nexus is a fundamental driver for social development, democracy-building and economical delivery. Some argue that “civil society is a fortification against the government; others see it as an essential backing for the government. In terms of the function of a healthy civil society about the State and formal power and authority, there are two contrasting schools of thought. One views the relationship as necessarily oppositional, antagonistic and conflicting. This notion is found in Western liberal thought in which the Civil Society is seen as the means by which individuals are protected from the incursion of the State and by which State power is limited. This view puts forth the argument that the civil society must be strengthened in order to serve as a buttress against the State and to redress the massive imbalance between State and citizen power” (ibid).

They also state that “a second view sees civil society and the State as mutually inter-dependent and complementary rather than antagonistic. This view regards Civil Society and the State as neither fully autonomous nor fully self-sufficient. According to this view, strengthening of civil society cannot be done

independently of the state and certainly not at the expense of the state. This thesis, originally developed by De Tocqueville and, updated for the contemporary world by Robert Putnam (1993), postulates that democratic government is strengthened, not weakened when it faces a vigorous civil society. In countries, where the State is relatively weak and fragile, the second view may be more appropriate to promote long-term democratic governance (ibid: 28-29).

A real democratic society represent all individuals and sections of the community and cannot be characterised as democratic when it acts simply as a means of perpetuating the predominant class. The vibrancy of the civil society can be a measure of the power and reach of democracy itself. Civil society groups occupy the political space between the individual and state, and include marginalised and subordinated groups in addition to those groups which are better off. The mobilization and activism of civil society groups can establish change and aid in democratic transition (Alimov 1995).

While discussing civil society, three fundamental characters have to be mentioned. Civil society is a normative concept used as a device for opening of social space. Secondly, it is elemental to and is dependent on separating the state and society, and does not merely focus on inter-relations between the two. Finally, civil society is a political concept, conceiving society not as a sociological entity but rather a s political one. Civil society organizations have been an integral part of the global community and are essential in its evolution and impact.

To some observers, the “civil society is understood as a sphere that is separate from the State and market and formed by people who have common needs, interests, and values” (Suk Kim and others 2005). Suk Kim and others (2005) argue that “three roles played by civil society in governance such as providing services, holding the government and market accountable by representing or advocating for citizens, and building the capacity of citizens to participate in governance”.

Political culture refers to the traditional orientation of citizens and groups

or organizations towards politics which, in turn, affects their perceptions of political legitimacy. The term 'political culture' represents the pattern of assumptions and beliefs carried by common people towards politics, and is made up of cognitive and evaluative orientations towards the political system.

According to their level and type of political involvement and the nature of people's attitudes toward politics, Gabriel Almond and Sidney Verba suggested three types of political culture:

- i. Parochial - no cognitive orientations toward the political system. In general, it is congruent with a traditional political structure.
- ii. Subject - cognitive orientations toward the output characteristics of the system. Here citizens are responsive to the central government and are subjected to its decisions with little scope for dissent. The individual is aware of politics and is actually oriented towards politics, yet he is on the 'downward flow' side of the politics. In general, it is congruent with a centralized authoritarian structure.
- iii. Participant - cognitive orientations toward both the input and output aspects of the system. Citizens can influence the government in various ways, and they are affected by it. The individual is oriented toward the system as a whole, to both the political and administrative structures and processes (Almond and Verba 1963).

These three types of political cultures can combine to create the 'civic culture', which mixes the best elements of each. Thus, it can be said that civic, political culture is a mix of other more pure political cultures as mentioned above. "The study of the colonial encounters in the South Pacific, Islands of History, for instance, is informational for investigating the vicissitudes of democracy advancement in the former Soviet Union. The study is filled with descriptions of colonizers and colonized interacting at cross-purposes, misunderstanding each other's motivations, rituals, and values. The follies of these interactions are practically to those examined among foreign democracy promoters and local citizens in the former Soviet Union, complete with their misunderstandings,

unintended consequences, and cumbersome engagement. Sahlins illustrates the historical measurements of clashes in worldviews and the associated cultural categories, indicating how the encounter offers rise to a novel circumstance with its logic, rules, and motivations that remain rooted in pre-existing assumptions on both sides. French sociologist Pierre Bourdieu offers another analytic tool for understanding cross-cultural encounters. He describes as *habitus* the mode of consciousness emerging from one's experience of daily practice within a given society (Roberts 2012: 312).

As far as civil society and political culture in Kazakhstan is concerned, the political institutions are working in transitional conditions. We can discuss several institutions and group, which handles political development in the country.

## **1. NGOs and Civil Society in Kazakhstan**

Civil society's development in Kazakhstan during the Soviet period can be divided into two stages: before 1985; and the *Perestroika* era from 1985 to 1991 (UNDP, 2002). Within the Soviet framework, all public life in Kazakhstan was ruled by the Communist Party. There were a partial number of civil society organisations associated to the party such as Komsomol (the youth wing of the party), Pioneer organisations, trade unions and other public associations (mostly formed in the 1930s), voluntary organisations supporting the armed forces, and party-linked sport unions. These groups later became the foundation for the expansion of civil society organizations during the transition period.

In the mid-1980s, perestroika authorized for more civic participation, environmental and democratic issues became hot topics. However, the communist regime continued to limit basic human rights such as freedom of public assembly and free speech. For example, in 1986, in Alma-Ata, when a civil movement of students and workers mobilized against Moscow's appointment of the First Secretary of the Central Committee of the Kazakhstan Communist Party, the movement was crushed by the Army. With most of the movement's participants

imprisoned, the authorities failed to recognise formally the final number of victims. Nevertheless, public movements played an important part in the democratic transition (Makhmutova and Akhmetova 2011: 18).

Many of NGOs are “crypto-government” organizations whose ambitions and programmes are framed by the official policy directives. Some other group of NGOs are largely free from government intervention at the level of policy and programme but are indeed constrained because they work within the influence of the larger bilateral aid programmes. Moreover, these NGOs find it hard to integrate locally due to structural and cultural constraints. The non-governmental organizations are indigenous, which tend to work independently and are more aware of the local situation but are mostly underfunded and incapable of achieving their stated objectives (Akiner 2005: 126-27).

The most noticeable disappointments of the NGOs working in Kazakhstan have been their failure to mobilize masses for the aims they have to pursue. One of the causes behind this is that there is a general reluctance to get associated with these organizations because of the people’s experience under the Soviet system where they were forced to join public associations or social and political groups. The obstacle of generating a feasible civil society in Kazakhstan has also been limited by the stringent and undemocratic laws of the State. For example, Kazakhstan’s Civil Code bars NGOs participation in political activities by defining non-profit organizations as engaged purely in social and philanthropic activities. The new Constitution adopted in August 1995 also limits the scope and extent of NGO activities. Section 3 of Article 5 of the Constitution prohibits public associations from activity that is “geared to a forcible change in the Constitutional system” or “the incitement of social, racial, national, religious or tribal discord”. Section 4 of Article 5 prohibits public associations from receiving foreign aid of any kind (Luong and Weinthal 1999: 1275-1276).

Environment movements such as “Nevada-Semey, which sought the closure of nuclear test sites in Kazakhstan, diversified into democratic movements, opening up the political scene and serving as the basis for the first

political parties in the newly independent Kazakhstan. After independence, organized civil society in Kazakhstan became more diverse, visible and robust” (ADB 2007). Since then, it has undergone three periods of development (Makhmutova and Akhmetova 2011: 18; UNDP 2002). “During the first period, the early 1990s, more than 400 NGOs were established, mostly involved in rights protection. The second period (1994-2001) was characterized by a growth in the diversity and quality of NGO activity. NGOs were financial, technically and ideologically supported by some international organizations. The international support provided a critical foundation for the emergence and institutionalization of NGOs..In the third period (2001 to present) the environment for a healthy civil society seems to have blossomed. Greater recognition of State bodies, formal arrangements for civil society government cooperation, the establishment of public financing mechanisms for CSOs, and further growth in the number of registered NGOs all form the groundwork for the continued growth and entrenchment of civil society in Kazakhstan” (Makhmutova and Akhmetova 2011: 18).

The idea of “civil society in Kazakhstan is the recognition of ideological and political pluralism and separation of State and public institutions”<sup>31</sup>. There are legally assurances about the citizen’s rights to establish political, public and professional organizations. The NGOs’ development is one of the most important successes of the Republic. These organizations work in the fields of human rights, democracy, election, ecology, equal rights of women in the society, consumer rights and family rights, etc. Today, more than 4500 NGOs are active in the country resolving social troubles and encouraging the more vigorous participation of citizens in the political development of the country. In Kazakhstan, about 50 thousand individuals are permanently employed by NGOs, another 50 thousand are temporarily employed and more than a lakh individuals act as volunteers. The purposes of NGOs have primarily been to secure civil rights. “These non-governmental organizations was aimed basically at civil rights protection” “The

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<sup>31</sup>Political Parties in Kazakhstan, Kazakhstan political Party NGOs and Media [http://kazakhstan.orexca.com/kazakhstan\\_political\\_parties.shtml](http://kazakhstan.orexca.com/kazakhstan_political_parties.shtml)

1998 Programme of democratization of the Republic increased the role of NGOs as essential element of the democratization of Kazakh society. Conditions of non-governmental sector development have changed a lot today”.<sup>32</sup> The type and quality of state support, whether organizational and logistical support, provided to NGOs acquires a different meaning with regard to their critical role.

The law in Kazakhstan on not-for-profit organizations was adopted in 2001 and defines the state approved role and place of NGOs. Registration of non-governmental organizations was significantly simplified and enhanced the advantage in the budget allocation for NGOs. It also identified priorities in State support of non-governmental organizations that was adopted in January 2002. “Recognized leaders of the non-governmental sector, as well as representatives of international organizations, took part in the development of the Concept”<sup>33</sup>. The government resolution “On the Program of the State support of NGOs of Republic of Kazakhstan for 2003-2005” was adopted in 2003. The aim of this programme is the creation of favourable conditions for sustainable development as an essential part of “the civil society and strengthening of their role in resolving significant social problems on the basis of interaction with the government”.

The development and implementation of these new laws are designed to create new model of defining and determining relations between the state and civil society in Kazakhstan, as well as the maintenance of a sound legal basis for the functioning of NGOs.<sup>34</sup>

International democracy-promotion efforts have increasingly focussed on building up local NGO capabilities and the expansion of their activities in post-Soviet states through the active involvement of Western NGOs. These trends have been also visible in Kazakhstan. Western “liberal democracies perceive that support for LNGOs (local NGOs) serves as the initial building blocks of civil

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<sup>32</sup>Political Parties in Kazakhstan, Kazakhstan political Party NGOs and Media [http://kazakhstan.orexca.com/kazakhstan\\_political\\_parties.shtml](http://kazakhstan.orexca.com/kazakhstan_political_parties.shtml)

<sup>33</sup>ibid

<sup>34</sup>Republic of Kazakhstan Country Profile (2008)[www.izvoznookno.si/.../Republic\\_of\\_Kazakhstan-Country\\_profile](http://www.izvoznookno.si/.../Republic_of_Kazakhstan-Country_profile)



society democratization. In Kazakhstan, LINGOs face institutional obstacles in a political system that has become more restrictive since 1994” (Luong and Weinthal 1999: 1267-68).

Foreign aid agencies and NGOs have been established to provide stimulus for the creation of a civil society, which is trained and educated in liberal democratic values. For example, the United States Agency for International Aid (USAID) disburses a part of its grant through United States (US)-based organizations such as the ‘Counterpart International Inc’, which has come to manage a conglomerate of almost 220 local NGOs throughout Kazakhstan and Central Asia. However, despite more than two and a half decades of independence, and continuous functioning of civil society groups, in the form of grassroots organizations, Kazakhstan has not fully democratized (Olcott 2002).

Bremmer and Welt assert that the incumbent political power structure leading up to the Kazakh President Nazarbaev, favours a top-down state-building approach, and also to democracy, at the expense of civil society. They point out that Nazarbaev has constantly manipulated election outcomes and hindered free speech, civic association, and gagged the media in his attempts to keep a tight grasp on the country (Bremmer and Welt 1995).

Not long after the independence, Kazakhstan started a rapid move away from a Soviet-era centrally planned to a Western-influenced and IMF-dictated market economy. This was accompanied by a shift from public to private service provisions, and from one-party guidance to a multi-party democratic system. A provision of the 1995 Constitution unequivocally restricted the “financing of social relationships by the State”. Nevertheless, the government has long endorsed NGOs, particularly those with connections with the state’s apparatus, its administration or even its high-ranking officials. Under the law governing their operations, NGO delegates can participate in Cooperation Councils, which give advice to the government on cooperation with civil society in the Republic. The government also founded an endowment for NGO activities in 2004. In

Kazakhstan, because of relatively sound monetary circumstance international NGOs are working better than the NGOs that were created as a joint venture with the state. In May 2007, the government revoked the constitutional prerequisites forbidding funding of social organizations. As a consequence, it has opened the door for greater public sector financial support of social services.<sup>35</sup>

As part of international institutional efforts at promoting non-governmental activities, the World Bank Country Office in Kazakhstan has launched “the grant competition under the Civil Society Social Development Fund (CSF) for the total amount of US\$ 45,000 for”<sup>36</sup> nonprofits, non-governmental, non-academic organizations of the region. In 2010, the CSF support projects focused on engagement of the population in the development processes, which are based on the rural areas priority. Particular attention was “paid to the projects aimed at building capacity of civil society organizations in identification of potential projects, project management, and leveraging funds (World Bank in Kazakhstan Announces a Grant Competition for NGOs under the Civil Society Social Development Fund For 1 April 2011”.<sup>37</sup> By nature Kazakhstan is an authoritarian State, however, political, social and economic situations are better now as compared to immediately after independence. We can understand the situation of Kazakhstan by this table (Ziegler 2010: 801).

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<sup>35</sup>NGO Civil Society Brief-Kazakhstan, [www.adb.org/Documents/Reports/Civil-Society-Briefs/.../CSB-KAZ](http://www.adb.org/Documents/Reports/Civil-Society-Briefs/.../CSB-KAZ)

<sup>36</sup> The World Bank country profile, <http://www.worldbank.org/en/country/kazakhstan>

<sup>37</sup>The World Bank country profile,[http://www.worldbank.org.kz/Wbsite/External/Countries/Ecaext/Kazakhstanextn/0,,contentMDK:22878149~pagePK:1497618~piPK:217854~theSitePK:361869,00.html?cid=3001\\_4](http://www.worldbank.org.kz/Wbsite/External/Countries/Ecaext/Kazakhstanextn/0,,contentMDK:22878149~pagePK:1497618~piPK:217854~theSitePK:361869,00.html?cid=3001_4)

**Table 5.1: Social, Economic and Political Conditions of Kazakhstan**

Population (millions)	15.5
GNI per capita	5060
GDP (billions of US dollars)	103.8
Life expectancy	66
Rank of the Failed State Index	101
Human Development Index ranking	71
GINI coefficient	0.34
Percent below the poverty line	21.00%
Civil Society Ratings	5.5
Independent Media Rating	6.75
NGO Sustainability Score	4

*Source: Ziegler, Charles E. (2010), "Civil society, political stability, and State power in Central Asia: cooperation and contestation", Democratization, 17(5): 795-825.*

## 2. Mass Media in Kazakhstan

In a democracy, media is an important pillar of the democracy-promotion. It plays a vital role for promoting awareness among the people. The Kazakh Constitution provides freedom to the media and the freedom of speech. In Kazakhstan, most of the ruling political elites, political parties, and social organizations maintain both electronic and print media. 8,248 enterprises of mass media (2,513 are currently active) and 212 electronic mass media outlets have been registered in Kazakhstan, with an additional 2,392 foreign mass media units engaged in distributing. In the Republic, 85 percent of mass media are non- government owned, with 159 being owned by social associations, 11 by political parties and movements, and 10 by religious organizations.<sup>38</sup>

For an effective democracy, freedom of media or mass communication is essential but in Kazakhstan there are many restrictions on media. Though the government favoured the freedom of media, but the emphasis on the limits are in many tactical ways. The President of Kazakhstan stressed that political modernization implied the enhanced positions of mass media in the region and emphasized that mass media “should understand their role in the political development” and “should act exclusively within the legal structure”. This approach is apparent in the state’s setting up and passing of laws that deal with information policy.

In current times, private mass media outlets dominate the information market. Although these have improved the guarantees for freedom of the press, it is also essential to bear in mind the potential harmful effects of unregulated media, especially on a multi-cultural, still-evolving society. Thus, freedom of speech in a democracy does not automatically mean absence of control, and does not eliminated the accountability of the mass media (N.A. Nazarbayev Address on

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<sup>38</sup>President of Republic of Kazakhstan,[http://www.akorda.kz/en/kazakhstan/mass\\_media/mass\\_media](http://www.akorda.kz/en/kazakhstan/mass_media/mass_media)

“A new stage in the democratization of Kazakhstan - the expedited development of a free democratic society” “to the joint meeting/session of the chambers of the Parliament of the Republic of Kazakhstan Astana, May 16, 2007”.<sup>39</sup>

In Kazakhstan, more than 600 local newspaper and magazines are published in Kazakh, Russian, German, Ukrainian, Uighur, Korean and Uzbek languages with an annual circulation of about 590 million copies. The State publications are *Yegmen Kazakhstan* which started publication of 17 December 1919, with a circulation of about 55,000, and *Kazakhstan Skaya Pravada*, which began from 1 January 1920, with almost the same amount of circulation as the former. Further, radio programmes are broadcasted in six languages, and the television programmes cover more than 90% of the population (Badan 2001: 154).

According to Freedom House, the greater part of the media in Kazakhstan are privately owned, ostensibly autonomous, but in actuality are regulated by the government and guarded by leading financial groups entrenched in the ruling circle. These media outlets contend seriously with each other but deliberately keep away from investigative work and do not condemn the President, his close family, or other top figures within the regime (Dave 2009).

Kazakhstan has been utilising the stringent laws on frequency licensing and permits for airwaves to TV to keep out autonomous broadcast media. Excessive licensing fees introduced in the 1997 law led to the closure of almost 20 stations by mid-1998. A favourable step by the Nazarbayev Government has been the revocation of revenue and value-added taxes for media since 1995 (Allison 2006: 98).

The Criminal Code of Kazakhstan gives exceptional security to the President regarding his ‘honour and dignity’. Any unfavoured reporting about the President can be interpreted as an effort to strip off the ‘honour and dignity’ of the

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<sup>39</sup>N.A. Nazarbayev Address on “A new stage in the democratization of Kazakhstan - the expedited development of a free democratic society” to the joint meeting/session of the chambers of the Parliament of the Republic of Kazakhstan Astana, <http://kazakhemb.org.il/?CategoryID=0&ArticleID=192&Page=26>).

President. The uneven media coverage during elections remains a controversial issue in Kazakhstan, both secretly and State-controlled media have shown biases in favour of the ruling regime and the party led by him. They give extensive demonstrated to the attainments of the President and Nur Otan and at the same time marginalizes the other parties while providing news coverage of campaigns during an election (OSCE 2007). “This diversity of companies and languages promotes the rapid development of the Kazakhstan mass media and creates a unique palette of the information field in Kazakhstan. A liberal and democratic government information policy is the basis for these processes. The primary mechanisms of this system are legal guarantees and practical insurance of the principles of freedom of speech, free reception and dissemination of information, censorship prohibition; continuing improvement of the legal framework of mass media activity; annual placing of budget financed government orders for the implementation of government information policy”<sup>40</sup>. The right to get this order is assigned through a contest among mass media bodies irrespective of their ownership. This measure has allowed for the creation of equal conditions for receiving government financial support by both government and local press, consequently encouraging their creative activity and business initiative; a transparent process of receiving frequencies for TV and radio (Mass media development in Kazakhstan and protection of journalist rights.<sup>41</sup>

The Commission on providing rights for radio frequency comprises representatives of the parliament, international and Kazakhstan public associations. The activity of the Commission is widely covered by the mass media, and creation of economic conditions for mass media growth. All publications and TV stations are exempted from value-added tax (VAT). Charges for the use of radio frequencies decrease almost every year; continuing and constructive cooperation with public associations, international organizations,

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<sup>40</sup>Mass media development in Kazakhstan and protection of journalist rights,[http://www.kazakhstan.orexca.com/kazakhstan\\_political\\_parties.shtml](http://www.kazakhstan.orexca.com/kazakhstan_political_parties.shtml)

<sup>41</sup>ibid

media research institutes in the area of mass media development”.<sup>42</sup>

Journalists’ rights associations, such as the Journalists Congress of Kazakhstan, Journalists Union of Kazakhstan, TV and Radio Broadcasters Association of Kazakhstan, and offices of international organizations (the OSCE, Human Rights Watch, Internews Network, *Adil Soz*, etc.) fruitfully work in Kazakhstan; and pay close attention to journalists’ development. To this end, every year the government provides grants and loans for education in this field, and a TV Journalism School was established<sup>43</sup>. A “significant event in the area of mass media was the creation of a Public Council on Mass Media for information policy. This entity comprises MPs, the Chairman of the Board of the Journalists Union of Kazakhstan, the President of the TV and radio broadcasters Association of Kazakhstan, and Editors-in-Chief and journalists of leading mass media bodies. At the moment, a new Law on Mass Media that is aimed at further improvement of journalist’s rights protection and accordance of information law of Kazakhstan with international standards and practice is being”.<sup>44</sup>

Freedom of speech and press are guaranteed by the Constitution, and the government by and large does not interfere in the operations of the media houses. There are, however, limitations on press freedom, with several media agencies being government-owned, and several laws having been enacted against criticizing the President. The US Department of State cites government harassment in the case of a publication called *Birlesu*, published by the independent trade union of the same name. There are also reports of Russian journalists having difficulty transmitting information on ethnic Russians in Kazakhstan to Moscow (US Department of State 1994: 936).

In Kazakhstan, mass media face restraints on “objective reporting, and

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<sup>42</sup> ibid

<sup>43</sup> ibid

<sup>44</sup> ibid

mostly the media is either Government-owned, Government controlled, or in the hands of the President's family and supporters. In Kazakhstan, editors and reporters exercise self-censorship due to political pressure and may face criminal charges if they insult the dignity or honor of the President and his family" (Ziegler 2010). Kazakhstan's "Ministry of Information has adopted a heavy-handed approach to the media, seeking to critical constraint outlets. The internet is becoming more important as a tool of the political opposition, particularly among urban residents, though the government monitors websites and in July 2009 accepted legislation classifying all internet sites, chat rooms and blogs as 'media outlets', making Internet users subject to the same constraints forced on other mass media in the region. Civil society in the media sphere is active but relatively ineffective in influencing official policies" (Ibid: 807-811).

Government control of the media has enhanced in the first decade of 2000. Newspaper and broadcast reporters had been beaten and imprisoned when government's corruption became a major focus of reporting. As an additional control, the government has confined access to printing and allocation facilities. In 2004, President Nazarbayev enacted a law restricting press coverage of elections, and media coverage of the *Majlis* elections of September 2004 was severely limited. There was some improvement in press coverage of the 2005 presidential election. In 2005, incidents of harassment and violence toward the press remained common. Expression of political opposition is limited by improper electoral procedures<sup>45</sup> and "restrictions on party registration. Prosecutors have the very broad authority that negates the Constitutional assurance of a fair trial and has resulted in a reversal of some test".<sup>46</sup>

According to a study by Freedom House, Kazakhstan is witnessing an alarming decline in democracy and accountability. According to its June 2007 report, entitled 'The Nations in Transit 2006', which rates national and local

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<sup>45</sup> Library of congress <https://www.loc.gov/collections/country-studies/about-this-collection/>

<sup>46</sup>for detail please see [http://data.mongabay.com/reference/new\\_profiles/280kz.html](http://data.mongabay.com/reference/new_profiles/280kz.html)



governance, media and judicial independence, electoral process, civil society, and corruption. Kazakhstan scored an overall 6.36 out of a possible 7.00 where higher score indicates a close-to total collapse of democratic procedures. In this study, the position of civil society was also not very significant. The report claimed that control of the media by pro-government entities and the careful manipulation of NGOs has stifled political debate, reflecting in the country's media ranking of 6.75. This study also points out that "While Kazakhstan has established a stable and efficient governance structure; the Nazarbaev administration continues to block political participation by groups that advocate reforms and exaggerates the potential threat posed by political, ethnic, or religious extremists (Simon 2006)."

The "NGO and media endowment program had minimal effect. Implemented as a demand-driven grants program, it relied on proposals from local organizations for projects that could push the envelope on holding the government accountable for fair elections" (Roberts 2012: 323). Very "few NGOs or media outlets, however, proposed projects that would give an equal voice to both opposition and pro-presidential candidates or that would educate voters on their rights to defy employers' ultimatums to campaign or vote for a particular candidate" (Ibid.). Instead, most projects "focused on soft voter education issues such as the significance of elections to a democratic society, thus failing to prepare better citizens to make an informed decision on election. In particular, the media grants made virtually no difference given the controlled broadcast environment, as media outlets receiving grants felt they needed to avoid controversial issues or too much coverage of the opposition if they did not want to face repercussions from the Government" (Ibid.).

However, there are some NGOs working for the freedom of the press. The major non-governmental organizations "working to defend freedom of the press includes *Adil Soz* (International Fund for the Defense of Free Speech), Journalists in Danger (a partner organization to Reporters without Borders), and the Union of Journalists (a professional organization rather than a journalists' union). This

organization publicizes attacks on journalists, lobby authorities for greater media freedom, promote constitutional and civil rights, and work to improve the professionalism of journalists” (Ziegler 2010: 807-12). Kazakhstan’s media and NGOs operate under strict governmental control but they do promote political discussion and try to hold the regime accountable to its repressive actions. For example, “journalists, NGOs, opposition parties, and the OSCE all lobbied energetically against the 2009 internet legislation, and *AdilSoz* mounted an online campaign using blogs, Facebook, and Twitter. Nazarbayev ultimately signed the law, but under criticism by the Chairman of the OSCE” (ibid).

### 3. E-Governance in Kazakhstan

Governance is the interaction between the government and its larger socio-economic, administrative and political milieu. “E-Governance is the use of a range of modern information and communication technologies (ICT) such as internet, Local Area Networks (LAN), mobiles, etc”.<sup>47</sup> It “is the application of information and communication technology for delivering government services, exchange of information communication transactions, integration various stand-one systems and services between Government-to-citizens, Government-to-Business, Government-to-Government as well as back office processes and interactions within the entire government framework”.<sup>48</sup> Thus, it helps the government become more effective and efficient, with faster service-delivery and democracy-promotion. It can transform citizen empowerment by providing access to information, and by enabling their partnership in governance and enhancing the economic and social opportunities available to them.

Brown says that the term e-government emerged from application of the concepts and principles of e-commerce to the public sector, and refers to the

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<sup>47</sup> Joydeep (2013), E-governance initiatives and challenges, <http://www.mapsofindia.com/my-india/government/e-governanceinitiatives-and-challenges>

<sup>48</sup>Journal of Management Value & Ethics (Apr.-June.2014 Vol.4 No.2) [http://jmveindia.com/FINAL\\_FINAL\\_Apr-June\\_14.pdf](http://jmveindia.com/FINAL_FINAL_Apr-June_14.pdf)

delivery of government services to the public 'online' (Brown 2005: 242). Sharma opines that "e-government means to governmental use of information technologies such as the Internet, Wide Area Networks and mobile computing that have ability to transform relations with citizens, businesses, and other agencies of government" (Bhuiyan 2010).

In Kazakhstan also the trends of e-governance are emerging. Implementation of e-governance agenda is gaining remarkable progress so far. A new e-government strategy is currently under preparation, building upon the work carried out under the previous plan for the period 2005-2007. The World Bank's ISG e-Government Practice facilitated a discussion and commentary on draft strategy as part of the Kazakhstan Joint Economic Research Programme.

As far as e-governance programmes are concerned, their objectives and implementation incorporate a three-stage approach. In the first stage, a fundamental network of e-government infrastructure needs to be created, including governmental portals, payment gateways linked with banks, a national identification system, and government-wide IT-network. This stage also requires creation of infrastructure for inter-agency systems. The second stage is the expansion of the scope and depth of e-government services and comprehensive IT-enabled re-engineering of government administrative procedures. The third phase is the "ICT-based transformation of government agencies operation, building a fully-fledged information society, provision of e-health, e-education, e-culture, e-democracy and other services" (Bhuiyan 2009: 37).

Kazakhstan's "e-government web-portal ([www.e.gov.kz](http://www.e.gov.kz)) was launched in 2006, which provides more than 900 information services. This portal is tri-lingual: Kazakh, Russian, and English. Laws, 'On Information' and 'On Amending Certain Legal acts' of the Republic of Kazakhstan were developed and enacted. Interagency electronic workflow with digital signature has been implemented in 39 State bodies. A pilot model of National Authentication Center

for physical and legal entities has been developed, and a pilot project on integrated transportation medium of State institutions has been implemented in Astana, the capital of Kazakhstan” (Enhancing Efficiency and Access to Government Service Kazakh Agency for Informatisation and Communications).<sup>49</sup>

#### **4. Public Participation and Political Culture**

In Kazakhstan, there are three mechanisms for public participation.

- i. Public involvement as a part of larger civil society movement in drafting numerous normative acts at the national, regional, and local levels.
- ii. Ensuring public pressure on the government through civil society initiatives. For example, the President was forced to revoke a directive aimed at enacting a law on NGOs which was considered repressive and anti-NGO and was sharply and broadly criticized and opposed by NGOs throughout the State.
- iii. Participation of NGO representatives in councils created and functioned within the executive. NGOs help to create and keep these councils relevant. Major examples include the Cooperation Councils that operate in five *Oblasts* of Kazakhstan. These boards advise the government on strategies of cooperation with civil society (Ovcharenko 2004).

At the national level, three prominent NGOs (Confederation of NGOs of Kazakhstan, Diabetic Association of the Republic of Kazakhstan, and Consumers Rights’ Protection League) were incorporated in the National Council, the Advisory Board of the President of Kazakhstan. These Cooperation Councils represent to an initiative in creating a structure for long-term engagement of the State with civil society organizations. Nevertheless, main obstacles to the true free functioning of civil society groups is that such cooperation is perfunctory and merely advisory and subject to executive authority, rather than being guided by legislative decree. There are several operational issues as well, such as the criteria

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<sup>49</sup>Enhancing Efficiency and Access to Government Service Kazakh Agency for Informatisation and Communications <http://www.egovonline.net/interview/print.asp?interviewid=184>

for selecting representatives from NGO is not transparent and is completely discretionary, depending upon the decision of the chief of the executive authority. This process is not governed by any prerequisites or procedures. A main fault of these councils is that, for the most part, NGOs controlled by the respective provincial governments are selected as members (ibid).

As far as political participation is concerned, people of Kazakhstan “think of political involvement in terms of a system supporting rather than system challenging activities. A survey conducted in the Western Kazakhstan *Oblast* polled respondents on perceptions about political participation” (Ziegler 2010: 805). When asked to “evaluate the most effective forms of political involvement in the Kazakh context, 46 percent said that voting through the electoral system was the most active form of assistance. An additional 30 percent said that participating in the activities of political parties was most effective, 12 percent mentioned taking part in the work of the organs of power, and 11 percent said unconventional participation” (ibid). When asked about “their preferred type of involvement, 56 percent answered voting, with 20 percent citing political party activities. The majority 52 percent agree that elections in Kazakhstan were carried out in strict accordance with the law and basic democratic principles; 28 percent said that while votes were basically legal and democratic, there were often violations” (ibid).

Kazakhstan’s President-dominated political framework has compelled the development of a democratic political society. Under the rule of Nazarbayev, powers of the Presidency have been misused, parliament has under-estimated, and broad media is “under the control of President’s family. Nazarbayev, inspired by a deep-seated fear of centrifugal strengths occasioned by the instance of Russia under Boris Yeltsin, and the colour revolutions in Georgia, Ukraine and Kyrgyzstan, constantly looked to control grass-roots social forces and limit local autonomy” (Olcott 2002). Nazarbayev’s “super-Presidency has emasculated the legislature, politicized the courts, and consolidated the country’s major political

factions into a single-party hegemonic system” (Ziegler 2010: 805).

“The Otan (Fatherland) party, created in 1999 as the central pro-presidential party, has been enormously successful in Kazakhstan’s political life. In the 2004 legislative elections, Otan secured two-thirds of the seats in the *Majilis* (lower house of Parliament)” (ibid). At the July 2006 Otan Party Congress, “the President’s daughter Dariga Nazarbayeva agreed to merge her smaller Asar (‘All Together’) party with Otan, which then elected her father President of the enlarged party” (ibid). “Late in 2006 Otan had merged with two other pro-presidential parties, Civic Party and the Agrarian Party, which gave the new Nur Otan (Shining Fatherland) party 90 percent of seats in the lower house. In the August 2007 national elections, Nur Otan won 88 percent of the vote and won all 98 electoral seats in a newly expanded *Majilis*” (Isaacs 2008).

#### **4. Human Rights and Civil Society in Kazakhstan**

The policy of the Kazakh government towards civil society is not homogeneous. Sometimes it is favourable towards various NGOs and media and sometimes hostile. Some writers point out that initially there were favourable policies towards the civil societies groups but in the later period the State become hostile. Zohvtis divides the progression of democratization in Kazakhstan in three stages. He argues that the first phase, from 1991-1994, was the most free and democratic of all the years since independence, as this phase had significant freedoms of speech and witnessed a rapid development of a free media. The second phase, 1994-1997, was more status-quoist in nature with no major improvements nor degradation of freedoms. In contrast, the third stage, from 1997-98, was decidedly negative with increased government suppression of free media and political parties (Zohvtis 1999).

Scott Horton points out that, “there is a strong sense of freedom of expression and a great number of civic organizations: religious, social, professional, academic and so forth” (Horton 2006). The country has made solid

progress on this score. This enlargement on these fronts has come in spite of the State, which has accepted an attitude fluctuating between ambivalence and hostility (ibid).

As far as Kazakhstan's official position is concerned, Vsevolod Ovcharenko argues that "the idea of State support of civil society recently gained recognition from representatives of the State administration. At the unprecedented Civic Forum, which took place in October 2003 in the capital Astana, President Nursultan Nazarbaev announced ideas for cooperation between the government and civil society" (Ovcharenko 2004). The main result of "the Civic Forum is acknowledgment by the authorities of the fact that civil society is beneficial for the government and that cooperation between the two sectors should include State support of the social activities of civil society organizations (CSOs)" (ibid). This can be viewed as an opportunity to take positive steps towards actively improving cooperation between the state and civil society, yet the converse is also true.

Human rights and opportunities as enshrined in the Constitution of Kazakhstan have not been fully realised. "Human rights and liberties should fit to everyone by virtue of birth, recognized as supreme and unavoidable, and characterize the contents and implementation of laws and other regulatory, legal acts. Every citizen of the Republic shall have rights and bear responsibilities owing to his citizenship. Foreigners and stateless persons in the country can enjoy rights and freedoms as well as bear accountabilities set up for the citizens unless otherwise stipulated by the Constitution, laws, and international agreements' and treaties. Executing of a citizen's human rights and freedoms must not violate rights and liberties of other persons, infringe on the Constitutional system and public".<sup>50</sup>

But the reality is unique in relation to the constitutional framework. Police

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<sup>50</sup>President of Republic of Kazakhstan [http://www.akorda.kz/en/official\\_documents/the\\_Constitution/the\\_Constitution](http://www.akorda.kz/en/official_documents/the_Constitution/the_Constitution)).

ruthlessness is accounted for in penitentiaries and “in dealing with suspects. Prison conditions are exceptionally unforgiving. The Constitution ensures the right of assembly, but the Law on National Security has been utilised broadly to label demonstrations and meetings as security threats. All public organizations must register with the Ministry of Justice. The vagueness of laws on non-governmental organizations has been utilised to confine the activity of such groups, and police harassment has been frequent. Kazakhstan has been the source, destination and transit country for trafficking the people. It has been reported that such incidents involved several thousand victims in 2005, mainly young women. Convictions for trafficking have been rare, and some involvement by corrupt law enforcement officials is assumed. Some 20,000 crimes against women, primarily in rural areas, were reported in 2005. Freedom of religion is protected, and religious organizations are not required to register.<sup>51</sup> Thus, we can say that human rights condition is not good in the Republic.

The real situation of Kazakhstan in the field of human rights and freedom of expression can be understood by the following three tables. These tables deal with the Country Risk Assessment (CRA) of Kazakhstan.

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<sup>51</sup> Library of Congress <https://www.loc.gov/collections/country-studies/about-this-collection/>



**Table 5.2: Country Risk Assessment, Kazakhstan**

<b>Rights</b>	<b>Articles</b>
Right to Freedom from Discrimination	Art. 2
Right to Freedom from Forced Labour and Servitude	Art. 4
Right to Take Part in Government	Art. 21
Right to Peaceful Assembly and Freedom of Association	Art. 20 and 23
Right to Work and Just and Favorable Conditions of Work	Art. 23,24 and 25
Right to an Adequate Standard of Living	Art. 22
Right to Health	Art. 25
Right to Adequate Food	Art. 25
Right to Education	Art. 26

**Source:** Executive Summary of the Kazakhstan Country Risk Assessment, Danish Institute For Human Rights (2006), URL: [http://commdev.org/files/1745\\_file\\_Kazakhstan\\_\\_20Executive\\_20Summary.pdf](http://commdev.org/files/1745_file_Kazakhstan__20Executive_20Summary.pdf)

The above rights received a red rating in the company risk category in the Country Risk Assessment (CRA), which indicates that these human rights constitute high-risk areas for companies operating in Kazakhstan.

**Table 5.3: Country Risk Assessment, Kazakhstan**

<b>Rights</b>	<b>Articles</b>
Right to Life, Liberty, and Security of Person	Art. 3

Right to Fair Trial and Recognition as a Person before the Law	Art. 6,7,10 and 11
Right to Privacy	Art. 12
Right to Freedom of Movement	Art. 13
Right to Family Life	Art. 16
Right to Own Property	Art. 17
Right to Freedom of Opinion, Expression, Thought, Conscience, and Religion	Art. 18 and 19
Right to Adequate Housing	Art. 25

*Source: Executive Summary of the Kazakhstan Country Risk Assessment, Danish Institute For Human Rights (2006), URL: [http://commdev.org/files/1745\\_file\\_Kazakhstan\\_\\_20Executive\\_20Summary.pdf](http://commdev.org/files/1745_file_Kazakhstan__20Executive_20Summary.pdf)*

The above rights received a yellow rating in the Company Risk category in the Kazakhstan CRA, indicating that these human rights constitute medium-risk areas for companies operating in Kazakhstan.

**Table 5.4: Country Risk Assessment, Kazakhstan**

Rights	Articles
Right to Freedom from Torture, Cruel, Inhuman, or Degrading Treatment or Punishment	Art. 5
Right to Participate in Cultural Life	Art. 26
Right to Intellectual Property	Art. 26

*Source: Executive Summary of the Kazakhstan Country Risk Assessment, Danish Institute For Human Rights (2006), URL: [http://commdev.org/files/1745\\_file\\_Kazakhstan\\_\\_20Executive\\_20Summary.pdf](http://commdev.org/files/1745_file_Kazakhstan__20Executive_20Summary.pdf)*

It is believed that “The above rights received a green rating in the company risk category in the Kazakhstan CRA, indicating that these human rights constitute low-risk risk areas for businesses operating in Kazakhstan”.<sup>52</sup>In the CRA, “each human right from the Universal Declaration of Human Rights is investigated at three levels. First, the rights are examined for areas of conflict between the prevailing national laws and international human rights standards. Second, the widespread societal practices are analyzed to identify human rights violations frequently perpetrated at the societal level. Third, each right is assigned an overall company risk rating based on the violations of formal law and practice, taking into account the proximity to company operations. The results of the CRA produced the categorisation of nine human rights as high-risk areas, eight human rights as medium-risk areas and three human rights as low-risk areas for companies operating in Kazakhstan. The above tables present the overall results of the CRA, including a short description of each right. The full CRA offers a detailed, in-depth description of each power and its violations of law and practice”.<sup>53</sup>

After studying the civil society and political culture in Kazakhstan, it can be understood that the civil society is not so active like other democracies in the world, for example, India. It is because of the government domination and lack of developed political culture or civic culture. The restriction on media and other mass communication has become a hindrance for the active monitoring and critique of government activities by the press. Though, the NGOs working for better transparency and fighting for press freedoms are unable to reach the people and make them aware because of underdeveloped political culture. On the other

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<sup>52</sup>Executive Summary Of The Kazakhstan Country Risk Assessment  
[https://Commdev.Org/Userfiles/Files/1745\\_File\\_Kazakhstan\\_\\_20executive\\_20summary.Pdf](https://Commdev.Org/Userfiles/Files/1745_File_Kazakhstan__20executive_20summary.Pdf)

<sup>53</sup> *ibid*

hand, some NGOs are funded by the state. In such situation, they are not independent of the state dominance. Therefore, their role is restricted or they act according to the government wishes, both factors signifying a weakness of civil society. However, with the coming up of foreign NGOs and press, the importance of NGO and civil society has increased.

The best currently available set of measures for multi-layer tracking of democratization progress and regression in Post-communist “Eurasia are the scores developed by Freedom House over the past several years for its annual publication Nations in Transit” (Basora 2008: 14).

Freedom House Nations in Transit provides a broad analysis of the “progress of democratic change in a country” (Basora 2008: 14) using guidelines for ratings covering seven categories: electoral process; civil society; independent media; national democratic governance; local democratic governance; judicial framework and independence; and corruption.

**Table 5.5: Democracy Score**

<b>Democracy Score</b>	<b>Regime Type</b>
1.00-2.99	Consolidated Democracy
3.00-3.99	Semi-consolidated Democracy
4.00-4.99	Transitional Government or Hybrid Regime
5.00-5.99	Semi-consolidated Authoritarian Regime
6.00-7.00	Consolidated Authoritarian Regimes

*Source: Freedom House, Nations in Transit 2009*

Based on these ratings, Kazakhstan scores between 6-7. According to Freedom House, countries receiving such “a score are closed societies in which dictators prevent political competition and pluralism and handle widespread violations of basic political, civil, and human rights. Elections serve to reinforce the rule of dictators who enjoy unlimited authority for prolonged periods of time” (Freedom House 2009). Power is “highly centralized, and the country's national and local governmental systems are neither democratic nor accountable to the public. Civil society faces excessive government restrictions and repression” (ibid). Freedom of expression “is stifled, and independent media are virtually nonexistent. Censorship is pervasive, and repression for independent reporting or criticism of the government is severe” (ibid). The “rule of law is subordinate to the regime, and violations of basic political, civil, and human rights are widespread. Courts are used to harass members of the opposition. Corruption and State involvement in the economy are excessive. Allegations of corruption are usually intended to silence political opponents of the regime” (ibid).

**Table 5.6: Freedom House Democracy Score**

YEAR	Score
1991-2000	5.50
2001	5.71
2002	5.96
2003	6.17
2004	6.25
2005	6.29
2006	6.39
2007	6.39
2008	6.39
2009	6.32

*Source: Freedom House, Nations in Transit 2009*

The above comparisons and assessment of the Freedom House of democracy score make it clear that the process of democratization has been painfully slow in these Republics and as the freedom house scores would point, the democratization process in Kazakhstan and Uzbekistan has been backsliding in the last few years.

Thus, we can see that in Kazakhstan the scenario regarding human rights and civil society activities is not too favourable. The legislative framework is unfriendly and stifles growth of these essential prerequisites for deeper democracy. The “civil society is less willing to confront the State and more cooperative with the authoritarian State system and worry of the potential for civic activism to degenerate into instability. Few organizations have resources for substance their activities without government backing” (Ziegler 2010). It is clear that “the Kazakhstan government has chosen to co-opt the non-governmental movement in support of its policies by allocating State funds to supports them, but in doing so it may have nourished social forces which do not entirely dominate” (Ibid.). The power the President should reduce in favour of greater public empowerment and participation. The freedom of expression and independence of the institutions of the country should also improve for democratic development in the region.

## **CHAPTER- 6**

### **SOCIO-POLITICAL AND ECONOMIC CHALLENGES**

The collapse of the Soviet Union took place in December 1991 closely followed by the proclamation of independence by the five Central Asian Republics. In the aftermath of the dissolution of the Soviet Union, the five Commonwealth of Independent States (CIS) Republics of the former Soviet Central Asia engaged in political and economic reforms to reform their planned economies towards a market based financial system; from an authoritarian political framework to a democratic polity. Today, in the interconnected world of global markets it has become apparent that those countries which can find right formulas for both political and economic reforms would be successful in their overall political and economic development.

Kazakhstan is drawing closer to a vital turning point as an independent country. President Nursultan Nazarbayev's legacy is mixed, but he has not succeeded in establishing a new political framework based on a strong democratic ideology or rule of law. With no hopes for drastic change, his only legacy is bound to be a multifarious and fraudulent government machinery and a directionless and nepotism-ridden political class. President Nazarbayev did succeed in integrating the different political and economic blocs. The president has also allowed amendments in Constitution that guarantee that his wealth and property and that of his relatives stay unaffected after he is no longer the leader. The numerous threats and pressures now at work range from uneven distribution of wealth and benefits of socio-economic development to growth in religious radicalism. The current phase of economic development is also dependent on external factors such as the price of crude oil. The Kazakh President's capacity to unite the political class over these challenges has also changed. A growing urban middle-class is the product of the interconnected world of globalization, but neither the legislature nor the local authorities or the judiciary is capable or responsive enough to cater to their political hopes. A sense of disenfranchisement

and marginalization is developing among certain sections, particularly the youthful. The present political representation system is not inspired enough for them.

The current legislative framework is designed to restrain disagreement and condemnation of the authorities, and suppress the rights of citizens of the country. Contrasting the Republic's self-portrayal of an open, democratic country, these laws reflect widespread apprehension and fear. They continue to be the obsession of the political opposition while the government holds on to them, but these regressive laws offer little value for global investors and cause doubts regarding the future of post-Nazarbayev Kazakhstan. In this situation, financial specialists are seeking a watchful move from Nazarbayev's inner circle. The potential for open political rivalry remains realistic even if there are hopes of a closed-door political tussle (Crisis Group Asia Report 2013).

The national project of political transformation tries to further democratize the country based on a dialogue with different social sections of the republic. The National Commission on Civil Society and Democracy administers this process and presents its recommendations to the President and the parliament, regarding the nature and direction of future political changes. Provisions for checks and balances, as enshrined in the constitution, as well as the basic principles of division of powers, security of rights and freedoms, etc. are expected to be fully upheld. The most important purpose of the transformations is the endeavour to achieve decentralization of executive power and to increase the efficiency of the government. The President made it apparent in his speech that the emphasis would be on decentralization of authority at the local levels for which governmental changes will be accepted. Three key tasks laid out for this purpose include enhancing the reach of governmental services for the nation, reduce bureaucratic delays in the government system and improve the professional level of state personnel.

Kazakhstan is not in a hurry to build up democratic institutions and a



multi-party structure. The impact of political parties on the government is very less. The population has not yet acknowledged their position as political entities in the political arena. As a rule, they do not reflect the mood of society. They have not possessed the capacity to impact the decisions of the executive. Participation of population in the political activity is frozen. The socially dynamic populace is distanced from politics. In Kazakhstan, there is no robust party system, and the citizens lack in political culture and awareness. One of the significant questions of democratization in Kazakhstan is the transformation of local self-management that is the relations between the Central government and the self-governing institutions at the grassroots level (Baizakova 2006: 70).

In the future, there are hopes that legislative power will be increased within the constitutional system. The role of both houses of the parliament in the evolution of the Central Election Commission (CEC), Constitutional Council, and the Audit Committee will be reviewed as part of the political improvements programme. In addition, the legal framework will likewise be reinforced by making procedures simpler, guaranteeing their neutrality, appropriate pace of disposition of cases, securing the rights of people, freedom of court officials, and transparency in court actions. Reforms have been planned since 1991 to bring them to international standards. Abolishing corruption has been illustrated as a decisive objective by the President. Kazakhstan is the first country among post-Soviet states to pass anti-corruption laws and sign related global conventions. The President assumes that the Agency on Fighting Economic Misconduct and Bribery should be free and recommended that it ought to be under the unswerving power of the President.

In the area of devising foreign policy, priority has been attached to further improvement of collaboration with China, Russia, the European Union (EU) and the United States (US). The country is also focusing on improving ties with prominent Asian and Middle Eastern states. Kazakhstan and Russia have finally agreed on fully demarcated borders for the first time. The government's policy

strategy is to accelerate succession to the World Trade Organization (WTO). Besides, endeavours have also been made to establish closer coalition with the Shanghai Cooperation Organization (SCO), the CIS, the Eurasian Economic Community (EEC), and in setting up the Single Economic Space in the region. In his address, President Nazarbayev has expressed the Republic's wishes for successful relations with key authorities including The US, Russia, EU, etc. He has additionally stressed on having close ties with regional groupings.

## **[1] Social and Political Challenges**

### **Terrorism Problem in Kazakhstan**

Terrorism, extremism, and drug trafficking can be viewed as the three most important threats that confront the world community in the 21<sup>st</sup> century. The Kazakh government is also faced with these dangers that are a hindrance to the democratic political development. To develop a worldwide coalition against these challenges, Kazakhstan had called for a special session of the United Nations (UN) Security Council's Counter-Terrorism Committee, attended by over 40 heads of international organizations. Kazakhstan has been a partner in the US-led anti-terror coalition and had sent its forces to Iraq following the 2003 US invasion. While Kazakhstan has the required legal framework and regulatory mechanism to deal with the threat of terrorism, there is scope for qualitative and quantitative improvement in regional and global coordination in countering these threats.

The government's heightened focus is also a reflection of an increase in terrorism-related offenses in 2011 and 2012 contrasted with earlier years. Nonetheless, the number of terror-related attacks has been miniscule, both prior and after the ban on capital punishment, except under certain exigent circumstances. Nonetheless, there have been convictions in terrorism-related offenses, including terror-financing terrorism and religious fanaticism. The Deputy Secretary of the Secretariat of the Security Council opined that roughly

300 persons are serving jail terms for terrorism-related offenses.<sup>54</sup>

**Table 6.4: Banned Terrorist Groups in Kazakhstan (as of April 2013)**

<b>Name</b>	<b>Also known as/other information</b>	<b>Date added to terrorism list</b>
Al-Qaeda		15 October 2004
Islamic Movement of Uzbekistan (IMU)	Islamic movement of liberation of Uzbekistan, Party of Islamic Renaissance	15 October 2004
East-Turkestan Islamic Movement (ETIM)	East Turkestan Islamic Party, Allah Party, National Revolutionary Front of East Turkestan	15 October 2004
Kurdistan People Congress		15 October 2004
Jamaat Mujahedins of Central Asia modjahed		15 March 2005
Social Reforms Society (SRS)		15 March 2005
AUM Shinrikyo Aleph's		17 November 2006
East Turkestan Liberation Congress	East Turkestan National Liberation Party, Sharki Azatliqtash-hilaty	17 November 2006
Islamic Party of Turkestan Jamaat of Turkestan		5 March 2008
Jund Al-Halifat Soldiers of Halifat		28 March 2005

<sup>54</sup>Counter-terrorism in Kazakhstan: Why the death penalty is no solution” Penal Reform International 2013, URL: <http://www.penalreform.org/wp-content/uploads/2013/10/New-Counter-terrorism-in-Kazakhstan-final.pdf>).

Hizbut Tahrir al Islami (Extremist organization) Liberation Party		28 March 2005
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*Source: Counter-terrorism in Kazakhstan: Why the death penalty is no solution,  
URL:<http://www.penalreform.org/wp-content/uploads/2013/10/New-Counter-terrorism-in-Kazakhstan-final.pdf>*

**Table 6.5: Banned Terrorist Groups in Kazakhstan as of April 2013**

<b>Terrorism-related offenses in Kazakhstan Offences in bold carry a potential death sentence</b>	
<b>Articles</b>	<b>Offences</b>
Article 162	Employment of mercenaries
Article 163	Attacking persons or organizations under international protection
Article 166-1	Attempts upon the life of the First President of Kazakhstan – National Leader
Article 167	Attempts upon the life of the President of Kazakhstan
Article 171	Sabotage
Article 233	Acts of Terrorism
Article 233-1	Propaganda in support of terrorism or extremism or incitement to commit terrorist acts
Article 233-2	Establishment and leading a terrorist group and taking part in its activities
Article 233-3	Financing terrorist or extremist activities or other support to terrorism or extremism
Article 233-4	Recruitment or training or arming persons for the purpose of organizing terrorist or extremist activities
Article 234	Hostage taking
Article 238	Attacking buildings, structures, transport and means of

	communication
Article 239	Hijacking and seizure of air or water craft or railway rolling stock

*Source: Counter-terrorism in Kazakhstan: Why the death penalty is no solution, URL:<http://www.penalreform.org/wp-content/uploads/2013/10/New-Counter-terrorism-in-Kazakhstan-final.pdf>*

The above two tables show terrorist groups banned in Kazakhstan. The Republic banned a lot of terrorist group that were a challenge for Kazakhstan and the world community. The above two tables indicate the commitment of Kazakhstan against terrorism.

### **Regional Integration and Cooperation**

The Central Asian region has historically acted as a connecting bridge between the Eastern and the Western civilizations. However, this centuries-old connection did not lead to the region becoming prosperous, especially after the demise of the ancient Silk Route and the emergence of modern superpower rivalry in the twentieth century. The Kazakh President regularly raises the spectre of renewed superpower rivalry in the region as a threat to regional prosperity. In fact, President Nazarbayev has repeatedly said that the choice in front of the countries of the CIS region is to remain a supplier of raw materials or to emerge united and strong through economic cooperation and integration. In this context, a Union of Central Asian States (UCAS) was proposed by President Nazarbayev between Kazakhstan, Uzbekistan and Kyrgyzstan, and being open to other states to join.

Kazakhstan has entered into several regional cooperative agreements on specific issues such as control of borders, countering drug trafficking, etc. In 1998, two agreements were ratified by the Kazakh parliament which dealt with border checks and drug trafficking between Kazakhstan and Russia. In 2003, Kazakhstan was a part of intra-CIS joint operation against drugs trafficking.

Kazakhstan takes a keen interest in the EU Border Management Programme for Central Asia implemented by the United Nations Development Programme (UNDP). It is also involving in the establishment of the “Central Asian Regional Center for communication, analysis and exchange of operational information related to cross-border crime and for coordination of joint operations”.<sup>55</sup>

Kazakhstan is a party to several regional drug-traffic control agreements initiated by the Economic Cooperation Organization (ECO), the UNDP and the Organization for Security and Cooperation in Europe (OSCE) and other organizations. All these regional initiatives aim at managing a set of problems common to every CIS country, which aid and abet in the spread of the menace of drug abuse and its trafficking. The regional programmes also target the nexus between drugs, organized crime, and global terrorism, and attempt to counter the role played by this traffic in destabilizing a nation’s economy and security. On 4 May 1996, the five Central Asian States signed a Memorandum of Understanding (MoU) on sub-regional drug control collaboration. In 1996, the security and law enforcement agencies of Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan signed an accord on mutual aid in fighting the unlawful traffic in drugs. On 21 April 2000, the same four states signed a treaty on joint action in combating terrorism, political and religious extremism, cross-border organised crimes and other threats to regional stability and security.<sup>56</sup>

### **Drugs and Human Trafficking**

Porous borders, the relatively open and liberal economic and political environment in Kazakhstan, poorer monetary circumstances, incongruities between prices in Kazakhstan and adjacent nations, and poverty in border areas are the main factors which lead to increase in illegal trafficking of various products including drugs, arms, and radioactive materials. Small-scale smuggling

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<sup>55</sup>Drugs and Organized Crime Condition Unit [www.ecodccu.org/.../Kazakhstan/Kazakhstan%2022003.htm](http://www.ecodccu.org/.../Kazakhstan/Kazakhstan%2022003.htm)

<sup>56</sup>Cornell, Svante E. (2005), The Interaction of Narcotics and Conflict, *Journal of Peace Research*, 42(6): 751–760  
<http://www.silkroadstudies.org/drugtrade.htm>

is often the major and even only source of income for the populations of border areas, while organised crime groups carry out a well-organized and highly-profitable business. Contraband operations deprive the state of a substantial income in the form of border tariffs and taxes and are harmful to the export sector of the state's economy.

Illegal trafficking in narcotics substances, such as heroin, opium, hashish, marijuana, and synthetic drugs, is the most dangerous cross-border smuggling threat faced by Kazakhstan and its neighbours. These drugs originate from Afghanistan and Central Asia, including Kazakhstan, which is one of the largest pot producers in the 1990s. Narcotics are smuggled into Kazakhstan all-across its highly porous and non-regulated southern borders and taken further into Russia or even Europe through train-routes (especially by the Bishkek-Moscow and Dushanbe-Moscow routes). This has been historically the most popular route of smuggling contraband. Cars and trucks also smuggle drugs. According to Kazakh officials, most drugs are smuggled into the country is brought over by motor transport, mostly using cars and trucks with tampered license plates. Most of these narcotics consignments are destined for Russia. According to the data of Russian Federal Border Guard Service, from 1998 to 2000 more than 1,800 kg of drugs were seized at the Russian-Kazakhstan border (Golunov and McDermott 2005).

Kazakhstan is a major transit route for the narcotics trade as it is located adjacent to both major heroin-producing regions as well as the major markets for the products, Russia and Europe. Kazakhstan also acts as a market for the narcotics with the number of drug addicts in the rise in the country.

Drugs are not the only form of smuggling that occurs through the borders of Kazakhstan. Scrap metal, building materials, electronics goods, manufacturing raw materials, agricultural goods, food, spirits, fuel, spare-parts, etc are also smuggled into Russia; while mostly food, liquor products are trafficked back. According to an estimate, as much as 30 percent the bilateral trade between

Russia and Kazakhstan is carried out through smuggling. Along the border with China, the main items smuggled include raw materials, metallurgical products, and animal products such as horns and other parts of animals in return of Chinese consumer durables. To other Central Asian states, the smuggled items vary from food products to fuel to mass consumption goods. A major part of this trade is transitory in nature, owing to lax rules on the Kazakh borders, For example Chinese smugglers aiming for Russian markets find it easier to transit through Kazakhstan than crossing a Russian border check-posts (Golunov and Roger N. McDermott 2005).

In addition to these materials, extremely dangerous radioactive materials have also been seized on Kazakhstan's borders. According to the US Central Investigative Agency (CIA), a consignment of radioactive material captured in April 2000 was destined for *Al-Qaeda* in Pakistan, raising the grim prospects of nuclear terror. There have also been cases of smuggling of arms and other military equipment originating in loosely-monitored erstwhile Soviet-era military bases spread across Central Asia and conveniently smuggled through Kazakhstan. Widespread corruption and low motivation among border-management officials makes it harder to counter this smuggling. Insufficient coordination of actions between the customs services of the contiguous states is also a major factor (Ibid). Kazakhstan is also the origin, transit point and destination country of cross-border human trafficking networks which supply markets in Europe, Russia and even oil-rich Kingdoms of the Persian Gulf. Kazakh men and women are trafficked for forced labour as well as sexual exploitation, to countries such as the United Arab Emirates (UAE), Azerbaijan, Turkey, Israel, Greece, Russia, Germany and even the US. The internationally accepted measures against human trafficking have not been met with in Kazakhstan; however, it is making sincere efforts (US Department of State: 2008).

Child labour is another heinous form of human trafficking widespread in most countries of Central Asia except Kazakhstan. It is prevalent in most



industries and business establishments across the region (Kelly 2005: 154). The economic vulnerability is one of the most important causes fuelling this problem, others being extreme poverty, high unemployment rates and elimination of social protection services previously provided by the communist governments (ibid: 159-166).

Regarding the problem of human trafficking, the Central Asian States need a determined approach in terms of legal remedies and enforcement, along with mass sensitisation programme. It is also essential to enhance the social; economic and political status of women and children across the region. In these countries, religious inflexibility and orthodoxy are dragging children and women back in the striving for a better economic future.

### **Corruption and Poverty Obstacles for Political Development**

Corruption has become an acute problem in Kazakhstan. Transparency International's Corruption Perceptions Index for the country worsened in 2004, falling from 2.4 to 2.2. Despite an increase in corruption-related arrests in 2003, the issue continues to be of grave concern both within the government and in the law enforcement community. Most importantly, high levels of corruption in the customs service greatly undermine efforts to counter drug trafficking.

The ratio of drug-related crimes is increasing every year. It stood at less than 3% in 1991, whereas in 2008 it reached 15% of total crimes. Recent studies also report a major increase in Kazakhstan's crime rates, which is already the highest in the region, especially in drug-related offenses per capita, with nearly 160 per one lakh of the population.<sup>57</sup>

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<sup>57</sup>Drugs and Organized Crime Condition Unit [www.ecodccu.org/.../Kazakhstan/Kazakhstan%2022003.htm](http://www.ecodccu.org/.../Kazakhstan/Kazakhstan%2022003.htm)

Escalating drug-trafficking has given rise to a spurt in drug-related crimes. In the last decade, the share of drug-related crimes as a proportion of total crime increased from 3% to 12%. Between 1991 and 1999, the total number of the drug-related crimes increased by more than four times. Despite a registered decline in 2002, the US International Narcotics Control Strategy Report noted a 15% increase in drug-related crimes in 2003.

In addition to law-enforcement approach, the Kazakhstan government is also taking measures for rehabilitation of drug-addicts. In this regard, it passed the law on 'Medical and Social Rehabilitation of Drug Addicts' in 1998, which enabled establishment of the drug therapy centers and counter-narcotics programmes in prisons and public schools. In 2000, President Nazarbayev declared a new three-stage counter-narcotics approach covering the period 2001-2005. This strategy acknowledges three objectives: reinforcing preventive, diagnosis and treatment systems for addicts; strengthening counteraction mechanisms against drug trafficking; and increasing international cooperation. In 2001, the *Majilis* approved amendments to the penal code that increased prison terms for narcotics offenses from 5-12 years to 7-15 years. The government has also focussed on improving the efficiency and operational capacity of border guards by establishing twenty-five new border posts.

In 2002, a Commission on Counteracting Drug Addiction and Drug Trafficking was established, establishing a collaborative mechanism between 13 different counter-narcotics agencies at the national, regional and local level. A long-term solution to these problems can only be achieved through a measure of socially-inclusive development, lack of which can undermine national and even regional stability. Social tensions and economic gaps between rich and poor are widening. The sustained failure of Central Asian governments to provide a modicum of essential public services and social welfare schemes for their populations is alarming. This can be a major cause for widespread social and political unrest.

## Radicalism

The most pressing current issue regarding Islam in the Central Asian region is the role of radical Islamist groups and the threat of increasing radicalism, and the state response to this threat. Although, there are several Islamists groups that have been active in the region, the *Hizb-ut-Tahrir* (Freedom Party) is one of the most radical Islamic groups to emerge. It was based in Jordan in 1953 for the purpose of recreating a pan-Islamic Caliphate operating according to the *Shariah*, which it wants to achieve without the use of violence. “The group’s central tenets are the just allocation of resources, profits, and property, just governance the abolition of corruption and the common ‘brotherhood’ of the entire Muslim world” (Gunn 2003: 389-410). Although, it criticizes the corruption of the governments of Central Asia, as well as the purportedly anti-Islamic actions of Western governments severely, its main “aims are probably the most esoteric and anachronistic of all the radical Islamic Movements in the world today” (ibid). The *Hizb-ut-tahrir’s* activities started in Central Asia in the mid-1990s, mainly through distribution of pamphlets spreading its propaganda and dissemination of Islamic ideals among the population. It has a widespread following among the ethnic Uzbek and is also the most active in Uzbekistan and the Uzbek-populated regions of Kyrgyzstan. In Kazakhstan, the *Hizb-ut-tahrir* is active in the southern oblast, where Uzbeks constitute about 20 percent of the population. There the group is trying to create a centre of influence to attract other Kazakhs who feel alienated or disenchanted. In response the parliament has changed the laws giving greater control to the state over the activities of faith-based groups, and allowing law-enforcement agencies to suspend temporarily the activities of any religious organization without a court order if the organization is suspected of extremist activities (Rotar 2005).

The Kazakh Constitution guarantees the fundamental rights of freedom of religion and conscience, and also declares the state to be secular. Further, the

constitution overtly forbids unfairness on the basis of worship. During the years of Perestroika, and in the immediate aftermath, Central Asia states enacted progressive legislations on freedom of religious belief, ensuring the freedom to practice and preach one's faith. Such provisions made it easier for religious organizations to register with the State and thereby obtain "legal personality". Since 1991, the laws embraced by the Soviet authorities during Gorbachev's period have been revoked or altered by executive decrees. These States now practice lawful control over religion. New laws have been enacted instituting procedures for registering faith-based or religious groups and allowing for State supervision over them. Each State also has a Committee on Religious Affairs created by the new religion laws. Some states, such as Turkmenistan and Uzbekistan, require all religious groups to register.

Kazakh government also followed with its own laws restricting the freedom accorded to religious groups. The new laws banned all unregistered religious activity, and barred registered religious communities with fewer than 50 members from publishing or importing religious literature, maintaining open places of worship, and conducting charitable activity. Human right activities and religious minorities have condemned these laws.

### **Clan Politics in Kazakhstan**

Clan is a group of people, including several family groups, united by kinship and common descent. The bonds of kinship may only be symbolical, but clan unity is taken seriously in many societies, including Kazakhstan. In Central Asian Republics, clan-based politics is very powerful. As the Soviet Union collapsed, clan-based informal identity networks assumed a new importance as the source of legitimacy as well as power.

So far as clan politics in Kazakhstan is concerned, it has provided limited space for political and economic liberalization in the Republic and the

transformation of post-Communist authoritarianism. According to Kathleen Collins, Nazarbayev initially attempted to preserve the appearance of a neutral *Podesta* in managing the clan pact. He faced divisions among three hordes and smaller clan lineages. Nazarbayev's regime has reverted to clan-based authoritarianism. He sought to merge a super presidential organization in which his network controls Power and resources. He looked a numerous challenges- (1) Parliament became an arena for the clan as well as Democrats, to get access to the state resources and form a potential opposition. (2) the Kazakh President had to manipulate electoral and party legislation to strengthen pro-governmental parties and decrease clan representation. (3) Rivals want their share of foreign investment and energy wealth, which have been diverted disproportionately to Nazarbayev's clan.

The President has used his clan to undermine the central aspect of regime liberalization and media independence. His daughter, Dariga Nazarbayeva, and his son-in-law, Rahat Aliev, control most of the media outlets and major business interests. Nazarbayev has also centralized the Presidency around his family and clan connections. Aliev also headed Almaty's taxation department, a powerful post, while Nazarbayev's son-in-law is the director of a pipeline company and is influential in the lucrative oil and gas sectors. Nazarbayev's clan also gained control over the leading banks and energy wealth has bolstered the regime. He has used the property to build loyal security forces (KNB), headed by his son-in-law and used to intimidate the political opposition. His family uses the KNB to control the oligarchic rivals. While wealth insulates his regime, rival factions dislike the Nazarbayev clan's usurpation of major State assets (Collins 2004: 258-59).

### **Authoritarianism in the Republic**

Authoritarian regimes are headed by personality cult-driven leaders who are nevertheless committed to law and order. Authoritarian regimes are susceptible to their perils. There is a danger of progressive concentration of power

in one individual. As Bruce Parrott acclaims the “authoritarian States built around a single party are more stable than personal dictatorships”. For an active authoritarianism system, two conditions have to be met. First, the regime should possess of a means through which it could exercise power and implement orders, such as a ‘political party’ of governance, a reliable military, or a co-opted network of regional elites. In the absence of developed national armies, and given the Soviet tradition of firm civilian control over the armed forces in Kazakhstan, the ruling groups have sought to perpetuate power through ‘pragmatic parties of power’. Secondly, the regimes need to preserve a capability to deliver on its promises on wellbeing and law and order. This can only happen if the regime possesses adequate affluence as well as sufficient power of redistribution to bring a share of profits to certain sections of the population. The feasibility of the regimes in Kazakhstan is directly dependent upon the targeted distribution of revenues generated by energy exports. Significant impediments in revenue flows could be lethal to their stability and even survival (Matveeva1999: 23-44).

### **Ethnic Problem**

The theories of ethnic conflict emphasize on rivalry for power, privilege, and/or scarce resources in ethnically-divided societies. Such rivalry drives the involvement different groups on opposing ends of the ethnic spectrum, each claiming the loyalty of supporters. Soviet leadership pursued a nationalistic policy during the decades of Soviet Union, which was fraught with potential conflicts. Its goal was a homogeneity and unification of the country’s ethnic groups on the basis of the Soviet Russian culture. By making an ethnic affiliation anathema in the eyes of the state, the Soviet leadership did not make the issue disappear, but rather left it to emerge stronger so as to break down barriers between ethnicity and nation (Khazanov1995:243-264).

Kazakhstan at the dawn of independence had to face the troublesome of disjointed ethnic aspirations and interests; the titular population was far

outnumbered by the combined numerical strength of the minorities and both the Kazakhs and Russians asserted their identity and interests. But rather than co-opting the minorities into the State apparatus which would positively have confident pluralism and distribution of power - a feature of democratization, the Nazarbayev regime has sought to 'indigenize' power in favour of the titular elites. Thus, the premiership that had been given to an ethnic Russian "since independence was finally handed over to a Kazakh in October 1994" (Patnaik 2001: 25).

The inter-ethnic relations and the government approach to deal with the obstacles originating from the complex mosaic of ethnic diversity in Kazakhstan point out towards a lack of national cohesion. Bremmer and Welt reflecting upon the circumstances say that given the "clan-based nomadism through centuries of foreign domination, Kazakhstan has never been a consolidated independent state" (Bremmer and Welt 1996: 179). They additionally argue that the historically not so developed Kazakh identity was also a result of ethnic diversity in the Republic and democratization in the political sphere could drastically disrupt, and even reverse, the Kazakh state-building efforts. They keep into perspective the lack of political reforms in Kazakhstan by bringing the question of Kazakhstan's survival as a cohesive multi-nation State and making it a higher priority over other things, including democracy (ibid).

Adding to the social tension *oralmans*, ethnic Kazakhs from Uzbekistan, Turkmenistan, Mongolia and China, invited to return to the country, A step which was originally hailed as a way to reunite the Kazakh nation. It offered considerable perks such as accommodation, employment and another social hold up to those who migrated. As of 1 January 2012, one million oralmans had officially come back to Kazakhstan, the majority settling in southern and western parts of the country. Unemployed and without the right means for integration in

their historical homeland, thousands of oralman<sup>58</sup> families also add pressure on the already strained social services in western and southern Kazakhstan, sparking tension with local communities (Crisis Group Asia Report 2013).

Manish Jha has stated that in Kazakhstan, there are more than a hundred nationalities and ethnic groups. The current population of Kazakhstan proves that the largest ethnic groups in Kazakhstan are the Kazakhs with 53.4% of the total population and the Russians 30.0%. The others are the Ukrainians 3.6%, Uzbeks 2.5%, German 2.3%, and Tatars 1.6%, Uigurs 1.4% .the numbers of the Byelorussians, Koreans, Azeris and Turks various from 0.7 to 0.5% of the total population of Kazakhstan (Jha 2003:).

Continuing interethnic synchronization is one of the essential conditions for development and success of the reforms in multi-ethnic State like the Republic of Kazakhstan. According to President Nazarbayev, the state's principle policy is based on the expansion of all ethnic groups through compromises and reinforcing of the combined sources. There are 3,474 Kazakh high schools, 2,514 Russian secondary schools, 78 Uzbek high schools, 13 Uigur high schools, 3 Tajik high schools and 1 Ukrainian high school in Kazakhstan. Since 1995, 10% quota was given to ethnic minorities to enter the institutions and universities in Kazakhstan. For the four years of this quota practice over 7.8 thousand young people of different nations have entered the universities and institutions in Kazakhstan (Abishev 2002).

Ethnic issues also take on pronounced significance given Moscow's affirmed duty to preserve Russian speakers wherever they may be. Steps taken to date are a good start, but realism about how some ethnic minorities feel sidelined by the Kazakh majority required, as is an approach that tempers the excesses of Kazakh nationalism and religious radicalization. Kazakhstan has 125 national and

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<sup>58</sup>Oralman or returnee is an official term used by Kazakh authorities to describe ethnic Kazakhs who have immigrated to Kazakhstan since its independence in 1991. Oralman usually come from the neighbouring countries of China, Mongolia, Uzbekistan, Russia, Kyrgyzstan and also from countries with notable Kazakh minorities: Iran (Iranian Kazakhs), Afghanistan, and Pakistan.



ethnic minorities. 63% of its seventeen million inhabitants are ethnic Kazakh; 23.7% are ethnic Russians. The country's self-definition as multi-ethnic and multi-value has gone some way to determining countrywide identity, but it glosses over the persistent belief among non-Kazakhs that ethnic Kazakhs enjoy undue advantages. The potential for this to be a conflict trigger is small for now, but the authorities should be pro-active. The Russian-speaking community realizes sidelined (Crisis Group Europe and Central Asia Briefing 2015).

Language policies, including the practice of replacing Russian place names with Kazakh ones, and the opinion that government and business are mostly closed to non-Kazakhs, cause offense. Well-connected members of other minorities also say ethnicity is a defining factor in business. The Kazakh and Russian-speaking communities acknowledge that events in Ukraine have influenced inter-ethnic relations, both focusing divisions and underscoring the necessity to address them. A Cossack community leader said, "After Ukraine, the authorities began giving attention to Slavs" by pulling back on controversial plans to rename cities in the north.

The Assembly of Peoples of the country is the primary means of representation for minorities. It lacks democratic credentials but has a political impact, and its profile ought to be reinforced. The state administration should exercise exacting limit on sensitive language issues, such as changing Russian place names, and rein in mid and low-level officials with overzealous national-linguistic agendas. Discussion of ethnic and national identity should be public and moderated, not driven underground and censored. The process of relocating rural and Oralman Kazakhs to Northern provinces need not be discontinued, but it should secure the support of receiving communities via outreach and consultation. Local government in different territories ought to reflect the population's ethnic makeup; local initiative officials will likely not seek unless it is driven from the top. If it is sincere about keeping up a multi-ethnic State, the government must accomplish more to incorporate the Russian people and deal with the awareness

that equal chance is available only to those who belong to the right group, be it linguistic, ethnic or clan (ibid).

### **Environmental Problem**

A major share of Kazakhstan's oil and gas, as well as other industrial production was exported to western Russia and crude oil for its refineries was imported from Central Siberia. As in the other republics, the Soviet policies left a deep scar on the environment. In Kazakhstan, extensive use of resource-intensive methods of production and the development of pollution-intensive heavy industries such as metallurgy, power generation and chemical industries caused widespread environmental degradation. Moreover, heavy reliance on artificial irrigation to increase cotton production resulted in the collapse of the ecosystem of the Aral Sea. Soviet nuclear testing also contaminated the area (Hoffmann et al. 2001: 5).

Having suffered extensive environmental damages, Kazakhstan has taken a lead in promoting sustainable development and environmental conservation in the region, as well as in the global arena. At the United Nations Conference on Sustainable Development (Rio+20) in Rio de Janeiro, Brazil, on 20-22 June 2012, Kazakhstan called on all states, businesses and non-governmental agencies to provide a 'green boost' to the global economy by supporting its "Global Energy-Ecological Strategy" and "Green Bridge" initiative. The "Green Bridge Partnership Programme" unveiled at Rio+20, aims to create a new market for green goods, services and new technologies, providing a massive green economic stimulus to the global economy. President Nazarbayev proposed it in UN General Assembly in September 2011. This programme is based on the recognition of the urgent need for a radical transformation of the environmentally destructive "brown" economy (Kazakhstan Country Profile 2012: 102).

Kazakhstan has been suffering the outcomes of two major environmental catastrophes in the 20<sup>th</sup> century- the fact that 500 nuclear weapon were tested at

the Semipalatinsk test site, and the drying up of the Aral Sea due to the diversion of water from the Amu Darya and Syr Darya rivers for irrigation. Central Asia faces a number of environmental challenges, including water scarcity and inefficient energy use. In Kazakhstan alone, the government has calculated that the green economy has the potential to increase energy efficiency by 40-60 percent, water conservation by 50 percent, and reduction of industrial waste by 30 billion tonnes. At the same time, the government predicts huge employment and business opportunities for green industry, including organic agriculture, ecotourism, renewable energy and a potential fishery industry worth over US\$1 billion a year. The country has also been heavily industrialized in the second part of the last century, resulting in high levels of pollution (ibid).

In March 2009, Kazakhstan ratified the Kyoto Protocol to the UN Framework Convention on Climate Change (UNFCCC). According to the document, the country must reduce carbon-dioxide emissions in the atmosphere. Since ratification, all major facilities are being monitored for environmental compliance with the protocol. Kazakhstan aims to reduce its greenhouse gas emissions by 15 percent by 2020, and by 25 percent by 2050, in full accordance with the Kyoto Protocol. Since July 2009, the government has restricted the import of automobiles not meeting the Euro-2 standard. From 1 January 2011, Euro-3 standard was implemented, and the Euro-4 standard will be introduced in 2014. Almaty, a city with one of the highest levels of pollution in Kazakhstan, introduced a programme to reduce air pollution through 2018 (ibid).

### **Status of Women**

The Soviet policy since the 1920s and 1930s concentrated on the economic and cultural transformation of the Central Asia. Changing women's lives was a vital part of the programme. The status of women was equated with slavery in Central Asia, which was changed but remained largely subservient to Islamic religion and custom. In the Soviet perception, the primary state

responsibility was to curb Central Asian societies; prevalence of crimes. Amongst the first decrees in Kazakhstan was one against *kalym* (bride price) This law outlawed bride price, forced and captured marriage, child marriage, polygamy, marriage by barter, and other antiquated customs termed as ‘evil’ and ‘injurious’ to women. It was these laws and the propaganda campaigns around it that became the basis of the great movement that mobilized, involved and liberated women in these societies. The development of the women's section (*Shentodyl*) and the particular women’s clubs-housed in red *Yurtas* (tents) gave a unique space for women. Here they met, communicated, learned new skills, became literate, received medical aid, and became skilled workers. They told women about their political education and rights (Bilshai 1957).

The economic liberation was a panacea for all obstacles in the Republic. The image of Soviet women being equal to men in hardwork as well as ideological commitment remained dominant until the breakup of the Soviet Union. In the task of state-building in independent Central Asia, several issues have been given priority. These also include attention towards the status of women. Women are encompassed within other political, economic and social priority areas and have no separate position as yet. At the state level, all Central Asian governments have declared secular intentions. The leaders in power in all these States disowned their communist past and professed Islam. All these States have established links with the Islamic-oriented States in varying degrees. It is the role of the modern movements associated with Islam, their influence on the government and societal norms, which is an important indicator of Islamic practice today (Chenoy 1996: 516-518).

In the Soviet Union women had such privileges as paid maternity leave for up to one year, or up to three years unpaid. During that time, it was unlawful to release a woman from her job. Women took for granted the state’s health care system of obstetric and gynaecological clinics, health resorts, and delivery centers that cared for women free of charge. There were also low-cost child-care scheme;

free public education; government grants for families with kids; and country support for families with several children, including extra benefits, inexpensive children's clothing, housing privileges, and so on, which helped women maintain their home and family (Khassanova 2000: 385).

In present scenario, all such services are more expensive and hence not freely available to all, and working women have to manage various responsibilities at both the workplace and at home. This increased burden is a natural barrier to the advancement of women at work. The gender roles have become rigidly differentiated. Allotment of a definite number of seats for women in the Supreme Soviets of the USSR and Union Republics made an outward show of equal participation of men and women in the state administration. The action of women leaders in district committees and city committees of the Communist party, as well as in executive committees, was fairly scarce (Somach and Rubin 2010: 18).

In economic terms, the gap in wages has increased between men and women since independence. There are many social attitudes and notions that restrict and restrain women's involvement in business, politics and public life in general, such as a fear that the women will become 'too independent' and thereby not be able to fulfil their household responsibilities and also raised concerns about women's interactions with other men outside the home.; Basically, it can be said that the revival of religion and patriarchal form of society is creating a barrier to the advancement of women in the rural areas of these states especially. As a result, the average wage gap between men is increasing from 30% in 1990 to 38% in 2002 (ibid: 19).

## **[2] Economic Challenges**

The economy of Kazakhstan is the biggest in Central Asia. It possesses huge oil resources as well as other minerals and metals. It also has significant

farming assets in the form of its immense steppe lands under both livestock and grain production, as well as developed space construction and transportation sectors. Kazakhstan's industrial sector rests on the extraction and processing of these natural resources and also on a relatively large machine-building sector specializing in construction equipment, tractors, agricultural machinery, and some military items.

Before independence, all Soviet policy towards Central Asia was attuned towards exploitation of natural resource and very little attention was given to the development of the services sector. Kazakhstan as part of Soviet Union also faced the impact of Mikhail Gorbachev's policies. Prior to independence, the main products of Kazakhstan were agricultural goods, coal and other mineral resources like crude oil and gas, heavy industrial products (metallurgy, heavy machinery and petro-chemicals), food processing, textiles and footwear. Soviet central planning led to heavy concentration on mining and processing activities. This caused a huge burden on the natural resources of Kazakhstan. Some scholars argue that "the central authorities' belief in the importance of scale economies was responsible for many industries that were local or even Union-wide monopolies" (Hoffmann 2001: 6).

Kazakhstan had the highest share of trade within the Soviet republics. Russia was Kazakhstan's most important trade partner, constituting more than half of its total trade. Within the Soviet system of inter-republican trade, Kazakhstan supplied raw materials to processing factories in Russia and other republics as well as unprocessed and semi-processed agricultural goods and some engineering goods. In return, it received refined petroleum products, processed food, most of its consumer products needs and advanced industrial equipment. Kazakhstan during the Soviet time had one of the highest recorded inter-state trade deficits relative to GDP within the Soviet Union. The main features of the inter-republican trade were- first, it was part of a system of Union-wide state orders. Production levels and flows of inputs and outputs were imposed by central authorities in Moscow. Enterprises had to trade with state organisations at fixed prices. They

also had to meet their delivery targets irrespective of whether payment was received or not (ibid).

The disintegration of the USSR and the collapse of demand for Kazakhstan's traditional heavy industry products have consequence in a sharp contraction of the economy since 1991, with the steepest annual beg off occurring in 1994. In 1995-97, the pace of the state program of financial improvement and privatization quickened, ensuing in a considerable shifting of assets into the private sector. The December 1996 signing of the Caspian Pipeline Consortium agreement to construct a new pipeline from western part of the State's Tengiz Field to the Black Sea escalates prediction for substantially larger oil exports in numerous years. Kazakhstan's economy turned downward in 1998 with a 2.5% decline in GDP growth due to slumping oil prices and the August financial crisis in Russia. A bright spot in 1999 was the recovery of international petroleum prices, which, combined with well-timed currency devaluation and a bumper grain harvest, pulled the economy out of recession.

Kazakhstan's economic growth since the collapse of the Soviet Union is undoubtedly impressive, but it has not translated into a better socio-economic situation for citizens outside Almaty and Astana. The surge in energy exports since the late 1990s made Kazakhstan wealthy but continued growth is "painfully dependent" on oil prices and the poorer strata of society, if politically mobilised, pose a potential headache for whoever follows Nazarbayev. Kazakhstan's economic growth in 2012 was 5 per cent and its GDP reached US\$ 11,357 per capita. The official unemployment rate is 5 per cent. Almaty's and Astana's shopping malls appear to lend credence to the statistics.

However, this does not hold true for other regions of the country. Neglected houses, potholed roads, ageing school and medical facilities, low salaries and pensions make up another face of Kazakhstan, one of economic inequality and social insecurity. Many rural residents learn only from State

television that they live in a prosperous energy-rich country. Residents of a small village only 60 km from Astana do not have a regular supply of drinking water in the winter and say the authorities have ignored their situation for years. While the economy seems to be awash with money, the country spends only 2.5 per cent of its GDP on health scheme, compared with up to 9 per cent in developed countries (Crisis Group Asia Report 2013).

According to annual UN Human Development Report that calculates access to health services, educational levels and living standards etc in its calculations of development, inequality is a significant challenge in Kazakhstan. An average salary in Kazakhstan amounted to US\$ 658 per month (98,736 Kazakh tenge) as of February 2013. On average it is not a bad figure but it hides huge regional and class disparities. While noting significant economic development, the Kazakh Statistics Agency acknowledged, the mass of the Republic's residents have low income and risks entering the category of deprived. The agency also noted that the level of rural poverty was significant and was three times higher than the level of urban poverty. Ironically, the socio-economic gap is especially stark in the west, the center of Kazakhstan's oil and gas wealth. Human Rights Watch (HRW) writes that Mangystau province, despite being among the nation's richest regions in oil reserves, has one of its highest poverty rates. (ibid). State's natural assets make it the richest Central Asian nation, but development is slowing. Hampered by international sanctions against Russia, a devalued currency and the sustained drop in the prices of crude oil and metals, Kazakhstan had to revise its budget to lower estimates twice in a year. The cost of goods and services increased 7.4 per cent in 2014, and a further devaluation is expected. Consumers and trade will be hard hit: in February 2015, the State administration warned that 1,20,000 employees could be laid off due to the financial problem. Industrial output and trade with Russia have declined. Imports of Russian cars and consumer goods, beneficial due to the fragile Rouble and the EEU, are discouragement the economy in the Northern provinces. It has been argued the Caspian Sea project of Kashagan offshore well, worth an estimated US\$48



billion, can only make economic sense if oil prices consistently remain at US\$100 per barrel. As it is the Kashagan project remains suspended until 2017 for technical reasons. The latest revision of the State budget is based on a projected price of \$50. Trade between EEU member States fell by 11 per cent in 2014. Trade with China is also down (Crisis Group Europe and Central Asia Briefing 2015).

The President announced his anti-crisis package, *Nurly Zhol* (Bright Way), in November 2014. It is vague on details but emphasizes infrastructure, social projects and keeping pensions and wages at current levels. Kazakhstan, he said, is “economizing on everything”. But past efforts to diversify the economy and ease disparities have failed, largely due to corruption and the centralized political and economic management system. Significant differences between regions and urban centers remain a source of tension. Labour disputes are frequent in the oil-rich, socially-deprived western parts and events in Janaozan, a city there where sixteen striking oil workers were shot dead in December 2011, show the authorities reaction to dissent can be disproportionate. To maintain financial and social stability, the government should see that the *Nurly Zhol* package is fully implemented. Economic diversification and a multi-vector foreign policy are complementary ways to reinforce Kazakh independence. Chinese investment is essential as it is driving growth and economic development in Central Asia, and China is interested in stability. China is the new reality. Similarly, trade relations with the EU have political as well as economic benefits. The EU should use its leverage to encourage institutional reforms (ibid).

The key features of economic development (economic reforms) are price liberalisation and enterprise reform. Both are complementary. In market determined price system, changes in relative prices are unlikely to induce a desired response without enterprise reform. Similarly with enterprise reform, but artificial prices, the enterprises will make only socially sub-optimal decisions. Even in the leading market economies, however, many allocation decisions are

not in response to market-determined prices (for example, intra-firm transactions or the provision of services by the public sector). Similarly, many market determined prices are also not socially optimal (for example, when suppliers have monopoly power or when there are environmental or other externalities). The shift from state owned enterprise sectors can effectively take place by a combination of privatisation of the existing enterprises (which can take many forms and cover varying proportions of the total state-owned sector), entry of new domestic firms and foreign investment (Pomfret 2002: 1).

Price reform is closely related to trade reform because for a small economy the appropriate opportunity cost prices will generally be world prices. Thus, removing trade barriers not only lead to gains from trade but, more importantly, accelerate the adoption of the appropriate relative price structure. Trade reform depends to a large extent on current account convertibility and capital mobility and also on the economic as well as political decision of whether to maintain a unified exchange rate. Access to trade credit is necessary for smooth functioning of trade transactions. There may be, however, arguments in favour of controls on other international capital flow in order to prevent speculative actions and other destabilizing capital movements. Enterprise reform is related to financial reform, because if enterprises are to respond to new opportunities they need capital. This is likely to be tied to fiscal and monetary policy as the government loses its existing tax base- the state-owned enterprises, and yet still has to provide public services. Without a domestic capital market to borrow, the macro-economic policy choice is often difficult. There is dilemma between bringing the budget into balance or to print money. Printing money leads to inflation, which hinders the functioning of the market economy by hiding relative price changes. Governments at this phase also need to shed some roles, such as supporting state enterprises with 'soft budget constraints' (ibid: 30).

Governments need to play new roles, such as setting up social policies to address market-related hardships or regulating a market-based financial sector.

Generally, price reform came first and institutional reforms took the longest time. Focus was on enterprise reform, and especially on the mode of privatising state enterprises to speed up the implementation process. Few doubted the desirability of extensive privatisation, but with experience the emphasis shifted to corporate governance and recognition of the importance of the institutional environment; for the price mechanism to work well, competition among buyers and sellers matters more than the formal nature of ownership (Ibid: 31).

According to Richard Pomfret (2002), the key components of economic reforms are-

- Stabilising inflation
- Controlling budget deficits
- Liberalising prices
- Unifying exchange rates
- Establishing current account convertibility
- Opening up trade and international capital mobility
- Building up a banking and financial system
- Establishing property rights
- Ending soft budget constraints
- Setting up market-based welfare systems

Some experts emphasize on the implementation of all of the above programmes simultaneously with same intensity. There are others who stress on the desirable sequencing of these reforms. In practice, none of the approaches was useful guide to policy. In the past, transitional economies were not in a position to implement either of the approach alone. Reforms executed by above components cannot be done at once. However, all of the above components are desirable. There is little justification for deliberately delaying any of them. Hence,

“sequencing” became a matter of practicality rather than a theoretical outcome (ibid).

Thus, the socio-economic challenges are significant hurdles for the political development of the Republic of Kazakhstan. Political and social are one side and economic is another side big challenges for the country. Authoritarianism, nepotism, lack of expression of freedom, weak civil society, and less space for NGOs are primary barriers to political and social development in the Republic. Kazakhstan’s economic and social importance is much than Central Asian country. The economy of Kazakhstan has been the means by which Nazarbayev reveals democratic rule. The government of the Republic focus is on short- to sustain the medium-term program. But, it is not enough for the country. However, Kazakhstan has a lot of scope in gas, oil, and uranium. If the country follows a market-based economy surely can boom in the economy sphere. In this way, we can say that democratization of the system of Kazakhstan makes it more accountable and more economic friendly.

## CHAPTER-7

### CONCLUSION

In December 1991, the disintegration of the erstwhile USSR brought the Republic of Kazakhstan as an independent and sovereign state on the world map and was subsequently recognised the same by the international community. Since independence, Kazakhstan has been pursuing democratic political system. A Constitution, professing democratic values and a political setup having multi-party system has led to enhanced democratisation. Yet a fragile civil society, lack of political culture, limited political participation and unstable judicial system continue to remain serious impediments to the effective functioning of the democracy. A vibrant civil society and democratic processes are crucial for the process of political development.

Since Kazakhstan had no tradition of democratic political setup, the constitutional building process drew inspiration to some extent from the political and administrative apparatus of the former Soviet Union, which had been highly centralised. Under Soviet Union, 'Party' was the all-powerful tool to capture and control the state. 'Party', 'Politburo' and 'ideology' were the three main pillars of the Soviet state. However, the constitutional reform measures of Nikita Khrushchev, Leonid Brezhnev and Mikhail Gorbachev provided key inputs to the constitutional process. Gorbachev's policies of *glasnost* and *perestroika*, in particular, were significant to this process. These policies were a reversal of the centralised hold on power that had been typical of previous rulers. These policies brought far reaching changing in the Soviet Union.

On 25 October 1990, the Kazakh Supreme Soviet declared its sovereignty, asserting republican control over natural resources and the economy. In December 1990, a constitutional committee was created, headed by President Nursultan Nazarbayev. Alongside this, a parliamentary group carried out work on a draft. And in the wake of the dissolution of the former USSR, Kazakhstan declared itself independent on 16 December 1991. Addressing the Kazakhstan parliament in early June 1992 Nazarbayev outlined the main features of the draft constitution, particularly the separation of executive, legislative, and judicial powers. He argued for strong presidential powers in order to

overcome the problems of a republic in transition and also to carry out economic restructuring and maintain the unity and integrity of such a large multi-ethnic state.

After independence the leader of the republic introduced liberal/democratic values for the establishment of democratic political system in the country. As a result the government of the result, the government of the republic began to implement a series of changes aimed at guiding the country towards democratisation and political change. The republican legislature automatically became the national legislature. Not only did members of parliament retained their privileged access to scarce resources but also influenced the distribution of these resources through budget making process. They also gained some authority to draft and discuss legislation.

The introduction of multiparty system in Kazakhstan was a significant change in post-Soviet era. But their contribution and influence in political development of the country remains unequal. Among political parties, Nur-Otan, which is the ruling party, is the most organised political party in Kazakhstan. Established in 1998, Nur-Otan is led Nazarbayev and is more powerful than other political parties. Other parties include Rukhaniyat and Party of Patriots which support Nur-Otan party, while Adilet, Ak-Zhol, the Kazakh Social Democratic Party, Communist Party of Kazakhstan and Communist Peoples are playing the soft role of opposition. Apart from these, Azat, National Social Democratic Party and Alga People's Party comprise staunch opposition to the ruling party. Hence, the strong position of Nur-Otan as well as soft opposition offered by other parties has led to the ruling party's dominance of the Kazakh polity. *Majilis* and *Maslikhats* are dominated by the ruling party. This has resulted in democratic centralism which is a major hurdle to the growth of a democratic political system.

The presidency has concentrated most of the political power in the country. The political institutions in Kazakhstan including local government, judiciary, electoral system, are heavily influenced by the policies of the president. The local government is the most important branch of the country and *Hakim* is the chief administrative officers. He is also appointed by the president. As far as the judicial system is concerned, judicial appointments at all levels are made by the president. The Constitutional Court was

replaced by the Constitutional Council under the 1995 Constitution. According to the 1995 Constitution, the judiciary works under the President and the executive branch. There are local and Oblast level courts and a Supreme Court at the national level. The Constitution establishes seven members Constitutional Council to determine the Constitutionality of laws and adopted by the legislature. The president has the power to appoint three of its members, including the chair. The election for Kazakhstan's legislature is conducted by the Central Electoral Commission at the highest level, whose members are appointed by the president with the approval of *Majilis*. Thus, it can be summarised that the major political institutions like independence judiciary, free mass media, multi political party system which are the pillars of democracy, are under direct control of the president, and therefore cannot function independently.

The Constitution of Kazakhstan provides for an independent democracy, political freedom, individual rights, secularism, openness, rule of law, separation of power etc. As stated in the Constitution, the values, principles and institutions of liberalism are necessary for political development. These values include the rights of the citizens to assemble and hold meetings, rallies, demonstrations and peaceful protests. The Constitution similarly allows freedom of press and civil society. However, in fact these freedoms are controlled and curtailed by presidential authority, which undermines the democratic character enshrined in the Constitution. Most of the media organisations are controlled by the government. Limitations on the space for public debate have led to editors and reporters exercising their own code of stringent censorship. Critical reporting or analyses is limited in Kazakh media, as the risk of criminal charges is indeed very high, as is indicated by the harassment faced by oppositional voices in the media, especially newspapers. It can therefore be concluded that restrictions on media have greatly undermined the democratic fabric of the country.

The civil society, on the other hand, has limited success in carrying out its functions in society. While it is vocal and is able to raise concerns over pertinent issues, mostly through media, its effectiveness to influence official policies is negligible. While a few NGOs have been struggling to defend the freedom of press, most of them work under

government control. There are a few instances of certain NGOs having challenged governmental policies and brought about changes. But in the formative stages of the Kazakh society, these instances have been few and far in between. The adaptation of the privacy law in 2009 has hampered the growth of civil society as well as media, proving to be a major setback to the development process. Thus civil society organisations have so far been unable to provide staunch opposition or resistance to the government.

As far as political participation is concerned, while it is a key component of a democratic political system, it has not been encouraged by the leadership. The government of Kazakhstan thinks that political participation is 'system supporting' rather than 'system challenging' activities. The Kazakh Constitution has provisions for human rights for citizens as well as for foreigners and for the stateless. But this right has not been consistently protected in the country. Added to that, cases of police brutality in dealing with suspects have in particular been a cause for concern in Kazakhstan. Prison conditions are known to be very harassing. Similarly, while the Constitution provides the right to assemble and demonstrate, the law of national security has often been employed by the state to label demonstrations and meetings and security threats in country. All the public organizations must register with the Ministry of Justice. In 1993, the Republic Commission on Human Right was set-up, and in 2002, the Institute of the Representative of the Human Right and the National Centre on Human Right were also created. Since these structures were created by presidential decree, so, they are essentially a part of the president's administration. They cannot be considered as independent national structures for the human right.

Kazakhstan was the only Central Asian country at the eve of its independence, where Kazakhs nationality, which was the basis of the nation's creation, was in minority. When Nazarbayev became the president, at the domestic level he initially propagated the idea of 'Kazakhification' and tried to take the leverage of Kazakh sentiments. He also promoted Islamic values. Such ethno religious propaganda found acceptance initially because Soviet disintegration had created a vacuum in post-Soviet spaces in general and Kazakhstan in particular. The main motive of Nazarbayev behind such a policy was



simply to consolidate his own power for which mass support was necessary. But later Nazarbayev realized that promoting Islam will create threats to his survival. And it would only create further turmoil in a multi-ethnic country like Kazakhstan where a large chunk of population is non-Kazakh. At the same time Nazarbayev also adopted the policy of 'Eurasianism' and has kept close relations with the Russian federation. It gives a sense of legitimacy for Nazarbayev because those Russians who are in Kazakhstan realize that Nazarbayev is not hostile to them. It is true that in the initial period there was an exodus of Russian people from Kazakhstan but in later years very few left the country and it eventually became a non-issue because of the policy of harmonization under the scheme of nation and state-building process.

Nazarbayev ran the country initially through decrees until the first constitution was enacted. Decrees were justified in the name of economic reforms. Nazarbayev argued that parliamentary debate would create a hurdle in the way of faster economic reforms. It is true that sometimes the parliament delayed reforms. But on the other hand, proper debate would have determined the correct course of economic reform, and one that was consensual. The constitutions were enacted in a way to advance Nazarbayev's reform programmes. That is why in a span of ten to sixteen years, two constitutions have been already adopted. One of the special methods employed by Nazarbayev is to hold referendums. He used this method of referendum for the extension of his term in office. The power of the government has been concentrated in the hands of one authority, and such consolidation of power could easily lead a country away from democratic values and towards authoritarianism. Power needs to be distributed among several organs of the government so that true democracy can flourish.

The consolidation of power has further led to a slowing down of the development of the democratic political system as Nazarbayev has, in part, neglected to develop other organs of the state. The 1995 referendum, for example, served to consolidate President's power and the early 1999 elections were intended to build his authority. The space for public debate, media function and the work of civil society organisations were curtailed on the grounds of maintaining political stability and national security. In the event of

media criticism or a challenge to the president on charges of corruption or nepotism, further restrictions on the media, and occasionally even arrests, ensued. Gradually Nazarbayev neutralized intra-elite tensions by incorporating foreign experts among his cadre of advisors and by stressing policies that appealed to various constituencies. This neutralization policy is best embodied in his 'Strategy 2030', with its emphasis on big decisions, broad outlooks and long-term perspective.

But the country has not remained untouched from outside influence. Promotion of democratisation by outside powers has been a constant source of anxiety for Nazarbayev, given the experience of regime changes in other post-Soviet countries. US sponsored NGOs aimed at promoting democratisation have been viewed with suspicion in most post-Soviet countries, and Kazakhstan in particular. The 'coloured revolutions' created even more tension as these focussed on establishing pro-US governments. International NGOs have also since been viewed warily as promoters of Western interests rather than as genuine propagators of democratisation.

Despite of authoritarian nature of the leadership, Nazarbayev has been able to maintain the path of further development of democracy and stability. He has gradually consolidated political stability despite various ethnic, economic, political, and external challenges. Though political organizations and the independent press have been regulated, they have not been suppressed in the country. Most of the population is politically passive. At the same time, Nazarbayev attempts to conduct negotiations with all the political groupings and preserve relative inter-ethnic and religious tolerance in the country. Because of his harmonization policy, Russian and other minorities gradually manifested their faith in Nazarbayev's presidency. At the society level, despite of some economic problems, social stability broadly exists that can be seen in the inter-ethnic harmony in Kazakhstan. This achievement is not a small one because the inter-ethnic harmony is basis of any further development. It provides ground for the democratization and political stability.

In short, Kazakhstan under the presidency of Nazarbayev, since independence, has

gradually moved towards the democratization with cautious strides. Twenty five years of time span is not enough to become a full fledged democracy like the US or the United Kingdom. Any such expectation from Kazakhstan, which had Soviet style of command system, will change in one or two decades is nothing more than illusion. For successful democratization, it is necessary to keep political transition peaceful, otherwise a multi-ethnic society like Kazakhstan could witness inter-ethnic clashes. Political stability is a necessary precondition for democratization. At the same time, it is also true that the present democratization process in Kazakhstan, though gradual, is nevertheless providing ground for political stability. Change also depends on the will of the elite in the country. Any threat to their survival may halt or even reverse the progress of further democratization. The constitutions adopted by the country over a period of time should be viewed in this context. The first Constitution came into being in 1993, and second in 1995. However, in 1998, the Constitution was amended to provide seven years terms for the President. But, a major amendment in the Constitution took place in 2007 which re-fixed the term of President for five years. Besides, through Constitutional amendment a provision was made that President can be elected, only for two terms. The amendment increases the power of the parliament. Despite several constraints, there have been positive steps to create institutional foundations of democracy and improve the functional autonomy of various organs of power. All these changes bode well for the nascent democracy.

In the end, it can be said that the political system of Kazakhstan is based on democracy oriented values and principles. The country has made remarkable progress in terms of political development. Though, the government regulates all the dimensions of administration, the political institutions like executive, legislature, judiciary, political parties, mass media, civil society, etc. have improved since independence. There is a weak civil society needs to go extra miles to create institutional awareness and mechanism which are required for strong democracy in the republic. As Kazakhstan has no experience about power sharing in the past as well as no history of popular political culture and political participation, the democratic institutions which are essential for the growth of pluralistic society need further lease of democratic reforms to mature.

The political system in the country is undergoing through transition stage. In comparison to other countries of the region, the condition in Kazakhstan holds promising sign of democratisation than other Central Asian countries. The political development in Kazakhstan needs proper checks and balances, and the separation of powers between legislative, executive and judiciary. It also needs to strengthen civil society, free media and press, responsible and constructive opposition and better space for a multi-party system. These institutions will bring fruitful change in the political development of the republic.

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