

**INSTITUTIONAL CHANGES AND POLITICAL CONTINUITY IN KAZAKHSTAN,  
1991-2014**

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**MASTER OF PHILOSOPHY**

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## DECLARATION

I declare that the dissertation entitled "INSTITUTIONAL CHANGES AND POLITICAL CONTINUITY IN KAZAKHSTAN" submitted by me for the award of the degree of MASTER OF PHILOSOPHY of Jawaharlal Nehru University is my own work. The dissertation has not been submitted for any other degree of this university or any other university.

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## CERTIFICATE

We recommended that this dissertation be placed before the examinations for evaluation.

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*DEDICATED  
TO  
MY BELOVED PARENTS*

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## ABBREVIATION

- APK - Agrarian Party of Kazakhstan
- CPSU - Communist Party of the Soviet Union
- CIS - Commonwealth Independent States
- CPK - Communist Party of Kazakhstan
- CCNS - Chairperson of the Committee of National Security
- CCC - Chairperson of the Constitutional Council
- CEC – Central Election Commission
- CRK - Constitution of the Republic of Kazakhstan
- CNP - Communist National Party
- CNS – committee for National Security
- DCK - Democratic Choice of Kazakhstan
- DPK - Democratic Party Kazakhstan
- IRP – Islamic Renaissance Party
- IFP – Islamic Fundamentalist Party
- KRP - Kazakhstan Renaissance Party
- LMK - Liberal Movement of Kazakhstan
- ODIHR – Office for Democratic Institutions and Human Rights
- OSCE - Organization for Security and Co-operation in Europe
- OMF - Obshchestvennoe Minnie Foundation
- PCK - People Congress of Kazakhstan
- PCP - People Cooperative Party
- PCPK - People's Communist Party of Kazakhstan
- PKK – People Cooperative Party

PUAK - Popular Unity Alliance of Kazakhstan

PUPK - Peoples Unity Party of Kazakhstan

RPK - Republican Party of Kazakhstan

SJC - Supreme Judicial Council

SUSC - Soviet Union Supreme Council

SPK - Socialist Party of Kazakhstan

SDP - Social Democratic Party

SCO – Shanghai Cooperation Organization

ZNDP - Zheltoksan National Democratic Party





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# Chapter - I

## Introduction: An Overview

### Introduction

The word 'institution' is using interchangeably otherwise inclusively moreover frequently leads toward misunderstandings and erroneous interference. The major broadly used definition is the single propounded by North (1993), who in brief describes institutions the same as rules of the game. Institutions explain together which are a formal nature such as constitutions, rules, regulations, laws, rights, and furthermore which an informal nature such as sanctions, customs, mores, traditions. Existing institutions result beginning precedent choices as well as experiences (North 1990; David 1994; Boettke, Coyne and Leeson 2008). As the text on institutional path addiction emphasizes, the way institutions developed constraints present choices (North 1990: 93-8, 2005: 51-2). Denzau and North (1994) and North (2005) put informal institutions, along with rational representation, at the core of the procedure of institutional change in the face of this reliance. North (2005: 23) remarks that the process works as follows: the beliefs that humans hold determine the choices they make. This proposed institutional change necessitates shifts in individuals thinking as well as rational representation.<sup>1</sup> As an outcome, in North's study, institutional change is commonly incremental to a certain extent than unexpected, an accretion of many little changes rather than great irregular changes. The procedure of institutional change is as well path-dependent for the reason that individuals learn, organizations develop, furthermore ideologies appearance in the circumstance of an exacting set of the formal as well as the informal rules.

North combines this theory in which the informal rules change beside, in addition to as conservatory of, the formal rules. Informal rules are reproduced through a cultural spread procedure and progress in an evolutionary approach. According to North, which

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<sup>1</sup> North, Douglass (1990), *Institution, Institutional Change and Economic Performance*, London: Cambridge University Press, pp.124-130

are the informal rules contain together on the inside obligatory personal norms as well as the third-party obligatory social norms, as well as conservatory, elaborations and change of the formal rules along with are part of the tradition that we call culture. Informal rules play a key role in institutional change for the reason that they change progressively moreover cannot be altered deliberately. Following a change of the formal rules along with the informal rules which had step by step progress as extensions of earlier which are the formal rules endure the change, hence that the consequence be inclined to be a reformation of the in general constraint in together instructions towards constructing a new equilibrium that is far away fewer radical.

The equilibrium outlook of institutions observe the crucial role of both the formal as well as informal rules as being devices to enable players facilitate players to organize on one of these several equilibrium through helping to achieve shared set of beliefs about each other's activities together on and off the path of play; and it is these beliefs, to a certain extent than the rules, which are the fundamental. According to Calvert, "There is, strictly speaking, no separate animal that we can identify as an institution. There are only rational actions, habituated on expectations about the behavior and reactions of other. The institution is just a name we give to certain parts of certain kinds of equilibrium."<sup>2</sup> Although the accurate definition of institutions differs amongst these authors who are the ordinary strand is so as to an institution is recognized with these equilibrium blueprint of activities to a certain extent the rules which induce the activities. Within equilibrium each negotiator is inhibited in cooperation via the exogenous physical constraints in the underlying game, furthermore as well by the endogenous institutional rules of the game, and which reflects the approach of the other players.

Sugden (1989) argues that in the given circumstances, people wishing to systematize their approach will tend to arrange on rules which are the analogous to the rules with which they are previously familiar, such as the rule "first come, first served" and rule for transmission property rights, variants of which can be functional to many circumstances. The different sets of rules often have an unusual distributional penalty;

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<sup>2</sup> Calvert, Randall (1995), "Rational Actors, Equilibrium and SOCIAL Institutions", in Jack Knight and Sened, editors Explaining Social Institution, University of Michigan Press, pp.56-70

therefore different actors may support the appearance of different rules (Knight 1995). In the period earlier than rules involving towards some connections that have been confidently recognized. Individual actors maintain the decentralized bargaining strategy in excess of which rule to take their individual connections. However, some kind of actors encompasses superior bargaining power than others this possibly affects the kind of rule with the purpose of eventually become widely-used through the society in general.<sup>3</sup>

Ostrom (2005) uses but more complicated approach involving a multi-layer nested hierarchy of rules. She distinguishes between the operational rules which preside over everyday connections. The collective-choice rules which rules are used for deciding into the operational rules, and the constitutional rules are considered as collective-choice rules. The procedure need not stop there. There may be meta-constitutional rules, which are rules in favor of constitutional rules such as the rules through which a civil war is on. Roland (2004) distinguishes between the fast-moving political institutions such as the formal rules, which can be changed rapidly. In addition to the use of the centralized political procedure, and the slow moving like cultural institutions such as the informal rules like social norms, which modify gradually for the reason that change is constant, evolutionary and decentralized.<sup>4</sup> In contrast to North, Roland gives the informal rules which plays central role as drivers of institutional change.<sup>5</sup>

Williamson (2000) treats informal rules with given situation. He has divided institutions into four categories. He talks about formal and informal institutions. At the first level he talks about informal institutions, culture, and norms, in which change occurs. At the second level constrained by the institutions of embeddedness, are the high level formal rules such as the constitutions, laws, and property rights. At this level, change takes decades otherwise centuries. The third level is that of the institutions of

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<sup>3</sup> See North, Douglass (1990), *Institution, Institutional Change and Economic Performance*, Cambridge University Press, There are many possible reasons for difference in bargaining power; Knight focuses on difference in wealth, pp.81

<sup>4</sup> Roland, Gerard, "Understanding Institutional Change: First-moving and Slow-moving Institution", *Studies in Comparative International Development* 38(4), Winter 2004, pp.109-131

<sup>5</sup> North, Douglass (1990), *Institution, Institutional Change and Economic Performance*, Cambridge University Press, pp.124

governance, at which the sets of rules (governance structure) that govern everyday interactions (contractual relations) are implicit toward adjust so as to decrease transaction costs. Adjustment at the third level typically takes year. Lastly, at the lowest level, the prices as well as quantity particular in individual contract regulate constantly. Williamson recognizes the possibility of long-run feedbacks as of lower to higher levels and deliberately ignores it. Institutional change becomes fundamentally not about changing rules, but about changing expectations. A rule that be unsuccessful to shift people's prospect in the preferred way might have no outcome at everyone. In Ostrom's provisions, its determination is a rule-in-form but not a rule-in-use other than more commonly which it strength contain an unintentional cause. The hierarchy-of-rules approaches obscure these potentials for the reason that it thinks about the enforcement of rules unconnectedly from their essence that are in the equilibrium observation; enforcement is endogenous.

The Soviet Union disintegrated in 1991. Soon after the collapse the Soviet system, the five former Soviet Central Asian republics gained their independence. These states are Kazakhstan, Uzbekistan, Tajikistan, Turkmenistan, and Kyrgyzstan; contain happen to together the thing of international challenge in Central Asia plus the sources of fresh political forces as they act to broaden their independence in world political affairs. Since independence, the institutional change has been taking place in the region while there is no change in the method of governance. The entire method in Kazakhstan implement into the new political institutions indicates the continuing forces of the Soviet system to some extent than its awaiting failure. The establishment of electoral systems in Kazakhstan is in which the determination of old formulas produced new institution. After the disintegration of the Soviet Union, there are several institutional changes with continuity of the Soviet institution in Kazakhstan. The transitional Kazakhstan Republic failed to democratize the institution. The institutionalizations process in Kazakhstan such as political changes with continuity in the context of power, perception, and perspective in the regions.

In this study, an attempt has been made to examine the structures of the government and political regimes in Kazakhstan within the parameters of mainstream

theories. As Pauline Jones Luong (2004) has convincingly argue that Kazakhstan politics was portrayed as deeply affected by the totalitarian legacy and thus a strong domination of the state over society. Adherents of a “traditional model” claimed that Kazakh society had successfully resisted the penetration by the Soviet state, maintained its traditional informal rules of authority throughout the Soviet period and, thus, laid the ground for a resurgence of clan and tribal identities as the main carriers of legitimacy.

For the analysis of Kazakhstan post-Soviet political regimes and structures of governance, the dichotomy of formal/informal continues to play a crucial role. However, the governance in Kazakhstan is pervaded by informal rules and networks – be it clans, tribes, regional allegiances, traditional customs, religious values or other types of informal institutions that hold the potential to function in violation of existing formal rules. The ruling elites in Kazakhstan are as well worried through the issues of political transform action along with the power of their rule. The domestic constraint to give a basis for power obtains as of two considerations such as First which are the power embodies the approval of the majority of the population along through it is easier to rule in circumstances of obedience than to rely profoundly on enforcement instrument; Secondly which are the international stress along with a fear of elimination from the Western specialty of manipulate make ever supplementary sensitive the need to be acknowledged as legitimate. With the break-up of the Soviet Union, independence was necessary taking place the Kazakhstan to a certain extent than won through it and political elites covered the gain of political legitimacy that they strength have grown beginning a struggle for independence. The particular leaderships were obtainable with a challenge of state-building in societies through no aforementioned of understanding of subsistence as nation-states, however, resolution of the numerous dilemmas concerned in building.

Since the gaining of independence in 1991, the Republic of Kazakhstan has undergone a complicated shift beginning a command economy to market economy, implementation a democratic system of governance. The government had powerfully encouraged decentralized local governance and community growth all the way through the configuration of local self-governing bodies and distinction on concentrated

recruitment of human resources along with local capital at the grassroots level. Effective and sustainable local governance requires effective participation, not only at the institutional level rather at the community level. Community drive can be ensured by full participation through the local self-governing institutions at the grassroots level. This helps people to enhance their capacities and work together for household and community initiative. Decentralization initiatives in Kazakhstan are geared toward developing the capabilities of local communities and local self-government at the village level (Kalyan: 2001).

After the disintegration of the erstwhile Soviet Union, the transition crosswise its descendant states has unsuccessful to create an institutional form that are dependable through the prospect and the nearly independent Kazakhstan republics. Policy makers in these republics have rejected the Soviet institutions throughout Kazakhstan. Moreover, the recurrence of pre-Soviet tribal divisions as well as the augment of Islamic radicalism, the violent occurrence of nationalism and ethnic conflict, otherwise the approval of democratic and market-oriented transformation have taken place in the region (Mehrdad: 1994). The ruling elites have established western-style multi-party electoral system in the region.

Since the disintegration of the Soviet Union in 1991, the five Central Asian States such at the same time as Kazakhstan, Turkmenistan, Kyrgyzstan, Tajikistan and Uzbekistan, emerged as independent sovereign states on the map of the world. With the ability of independence, these republics set up political systems to face the socio-political and economic instability in their republics, according to the will of their people. These republics adopted in their Constitutions to strengthen the democratic process. These new Constitutions claim sovereignty, democracy and secularism as the fundamental principles of their republics. However, the history shows us that, democracy cannot be established in a decade or two. Kazakhstan is in their formative stage a transition period. The ruler of these countries needs some more time to establish democracy in their respective republics.

Aforementioned to the October Revolution of 1917, there was an autocratic type of political system in the regions because it was the part of Tsarist Russia. Soon after the

October Revolution, Bolshevik Party came to power in Russia. After the consolidation of the Bolshevik powers in the Soviet Union, the Soviet leadership endeavors to transform the Central Asia religious and traditional society by introducing assimilative policies to create a new Soviet man. The Soviet political system was a single party dominant political system, i.e., the Communist Party of the Soviet Union (CPSU). Opposition political parties are not allowable to function in the country. The Communist Party in the name of democratic centralism took the entire decision. All the Constitutions of the former Soviet Union gave the political rights of the citizens of the country but in reality, these rights were on papers only.

Mikhail Gorbachev came into power in March 1985. After coming into power, he introduced radical economic and political reforms like Perestroika and Glasnost in the Soviet System. Since the introduction of Gorbachev reform policy, former Kazakhstan republics saw the emergence of various groups and movements clamoring for greater cultural autonomy, which had not been addressed openly since the consolidation of the Bolshevik regime in the region. The adoption of Glasnost and Perestroika influenced the sociopolitical, cultural and economic sphere of the whole Soviet Union. The policy of openness resulted in the decentralization of power, curtailment of the party and bureaucracy. The broader issues such as the language problem, question of religion, economy, cotton-mono culture, and environmental degradation in Aral Sea area focus attention on the larger question of Moscow's right to rule in the region.

Kazakhstan republics voted for the restoration of Soviet Union, but after the August coup, the leaders of three Slavic republics i.e. Russia, Belarus and Ukraine gathered in Belarus and declared the dissolution of the Soviet Union on 21<sup>st</sup> December, 1991. After that eleven head of states met in alma-Ata (Almaty) where they signed the Declaration of setting up the CIS. Commit them to build democratic, law-governed states whose relation was build on respect for the sovereignty, equality and which would be governed by international norms. In effect, the Soviet Union ended on 25th December 1991.

The demise of Soviet Union has opened the way for Kazakhstan to introduce democratic norms in their political systems. Kazakhstan had adopted its Constitution in



1993. The period preceding the adoption of the Constitution witnessed a public debate, which has; the major issues were the distribution of political power, the status of Russian language. Kazakhstan's new political order emerged in part as a response to fears of instability. Nazarbaev began to preach a mixed political system. He clearly stressed the long-term need for a democratic polity with a strong civil society and stressed his belief in the need for strong executive power capable of opposing stakes and ethnic extremism.

In Kazakhstan, there is no proper party system. The real opposition parties have not emerged. The emergence of political opposition is suppressed by the ruling elites. There are many laws, which are creating barricade in the broadening space for opposition. In these countries, the emergence of opposition faces serious challenges. Therefore, the space of opposition is lacking. The opposition parties denied registration in these republics, or there are some guidelines that they cannot follow for registration. There are several registered political parties in Kazakhstan like Otan (Fatherland) headed by Amangeldy Ermegiyayev and Aleksander Pavlo this party was founded in 1st March 1999 and registered on 12th February 1999. The next big party is Civic Party, founded on 17th November 1998 and registered on 29th December 1998 headed by Azat Peruashev. The party named Ak Zhol headed by Alikhan Bajmenov, was founded in 16th, March 2002, and registered on 3rd April 2002. One party founded on 1st July 2000 and registered on 4th August 2000 is Patriots Party of Kazakhstan whose chairman is Gani Kasymov. Other registered political parties are Romin Madinov's Agrarian Party, Zharmakhan Tuyakbai's For a Just Kazakhstan Party, Altynshash Jaganova's Rukhaniyat, Serikbolsyn Abdildin's Communist Party, Vladislav Kosarev's Communist People's Party of Kazakhstan (PPK), with Maksut Narikbaev's Democratic Party of Kazakhstan (DPK). The main unregistered parties of Kazakhstan are Bolat Abilov, Altynbek Sarsenbaev's Tulegen Zhukeev, and Oraz Zhandosov' s Naghyz Ak Zhol Party and Asylbek Kozhametov' s Alga (D VK) Party.

## **Review of Literature**

A literature review is evaluative information of information establish in the literature connected to chosen part of the study. The literature of assessment exercises to analyze the area of research which has been resolve in the study. Literature assessment is

the secondary source, as well as such, do not information any latest otherwise innovative experimental work. Also, a literature review preserve be taken to mean as a review of a summary achievement. The review of literature begins with the analysis of the various readings on the evolution of institutional change and political continuity in Kazakhstan after 1991 in a specific sphere. Various published literature on the area has been reviewed here to develop a thematic view of this study and to find out the existing gap that is to be a field.

This study deals with the Institutional Changes and their outcomes in theoretical and experimental terms. It starts by identifying some key theoretical perspectives of Institution and the applicability of its theories in the context of Kazakhstan. By explaining this concept, the studies try to scrutinize and explore the political continuity in the region with particular reference to its intended goals and real achievements. This review of literature is based on the written literatures and related to theories of institutions and role of government and political parties in politics, democratic reforms in developing countries particular references to its intended goals and real achievements.

These approaches make a great contribution to the study of institutional changes, but they also have their limitations. The basic or main limitation of these approaches is that they are explanatory rather than descriptive in nature. These theories only point out the fundamental problems, but fail to provide proper guidance about what alternative structures or policies should be pursued to achieve the goal of development. In conclusion, this part of a review of the literature leads at the very least; an understanding of the recent institutional changes in Kazakhstan must conceptualize them as a part of wider political continuity.

The comprehensive knowledge of Kazakhstan history of political, institutional development is essential for the study of the institutional changes of Kazakhstan. The political continuity and constitutional history would have larger implications for the study. The numerous available works of literature can be taken for its assistance. Only its applicability has to be assessed while reviewing it. Heath, Tom Everett (2003) focuses on the years of Soviet rule and concentrates on the post-independence period. The study deals with the issues like the Soviet response to Basmachi movement, Soviet impact on

the development of the region, colonial influence and the formation of vast collective farms. Social and economic development is also necessary for the development of the study of Kazakhstan politics out of the periphery, both empirically and theoretically. Regarding the emerging relationship between new states actors and their respective multiethnic societies, societies are not being built from scratch. Each chapter contributes this central goal by closely examining the emerging relationship between state actors and social forces in Kazakhstan republics through the prism of a core political, economic and social institution. This helps us to reassess both our understanding of this region and the state building process in these republics.

The proper knowledge of the history of political continuity and Constitutional development is essential to study institutional changes and political continuity in the Kazakhstan specific countries. Not only books, but there are various research papers and articles that are extremely helpful for the study. An institution is a framework of rules that gives shape to a community by specifying how the power to rule will be organized, at the same time putting limitations on the process of its exercise. John Anderson (1997) describes the institutional developments in the region, which has gone through different phases. The first phase is 1992-94, in which he explained the evolution of Kazakhstan Constitutions. During that time, the process has evolved with the Constitutional debates, political power, language issues, and socio-economic questions. The second phase started in 1994-96, in which the Constitutional reconsideration and the expansion of Presidential power have evolved. This also focuses on the process Constitutions making and the public debate on drafts and consequent amendments. He has widely focused on Kazakhstan. Perhaps the most important issue is related to political power, the position of Russian Language, the question of socio-economic rights, and property ownership. In this article, the empirical approach has been adopted. Since independence, as far as the progress of Kazakhstan Republics in the direction of democratization and transformation of their economy is concerned the balance sheet of 'Ozodi' leans more to the debt side, in general, through the picture differs from republic to republic. Devendra Kaushik (2001) also writes on the same lines. He has pointed out some key features of Institutional Developments in Kazakhstan Republics. He describes the Great Game, challenges faced on the eve of independence, and their development from a single party authoritarian

system to a personalized authoritarianism. All the powers concentrated in the hands of President. He exercises these powers alone by the violation of Institution. The Author pointed out that how ruling parties banned the opposition parties to contest in elections. He also describes the challenges like religious extremism, poor performance of the economy, for the development of the institution in these republics. He also analyzes a decade of institutional performance in the Kazakhstan republics. The political system of the Kazakhstan republics has been transforming since the October Revolution. The non-governmental organization is being pressurized from the existing regime.

There is various existing literature on the changing dimensions of political systems of Kazakhstan, especially after the breakup of the former USSR (Union of Soviet Socialist Republic). Phool Badan (2001) starts with the historical background of Kazakhstan before October Revolution and concludes with the recent political developments in Kazakhstan republics. He analyzes the functioning of democratic institutions like Political parties, judiciary, media, electoral process, and many more. The author observes that political parties are developing, but the ruling government bans opposition political parties. The essential democratic institutions are not functioning well because the democracy is new to these republics. These republics have no democratic history; consequently, it needs some more time to develop democracy. In the current international context, furthermore, building states has become as much as an external process as an internal one. Luong, Pauline Jones (1999) also argues the same thing that the nations of Kazakhstan are in their transition period. He highlights the significance of the energy sector as an indicator of the future developmental trajectories of the region. He argues that the strength of regionalism in the Kazakhstan republics, therefore, may, in fact, be precluding the emergence of an institution. Therefore, in the short run, states that derive their strength from personal ties are more stable but in the long- term, they might also prevent the development of Institution. In the countries, all the autocratic regimes try to gain legitimacy by establishing some policies of democracy like multi party political system. To gain legitimacy, these governments evolve various changes in the existing political system. Matreeva, Anna (1996) has alert the aspect of Institution, the initial challenges, policy responses, problem of ruling elite to legitimize their rule Author deals with the nature of regimes, which are authoritarian by nature in these republics, elections,

political parties, media and other democratic institutions, are not functioning well and finally he deals the present challenges, which should be reduced by the ruling elite.

The regular political development strategy reflects processes inherent in the measured levels of its political culture and appropriate changing phases. This study also examines the institutional changes and political continuity, so it is essential to find out the tools, which help in the process of transition. Elections are use as an instrument for not only to change political regimes but also for political transition and structural change. Kazi, Aftab (2005) his study is related to the institutional and electoral activities and electoral conduct and International observes. The parliamentary elections held in 2004 were well organized and transparent, hence an important step promote in the democratic transition, which legitimize Kazakhstan strategy of measured political development amid the tortuous processes of nation-state building and complex geopolitical and strategic transition not only in Kazakhstan but worldwide. Since Institutional changes and Political Continuity in Kazakhstan are tangle, there exists a lot of relevant literature and it has divided into four themes; First- Institution in Kazakhstan, Second- Separation of Powers in Kazakhstan, Third- Political Parties and Electoral System in Kazakhstan, and Fourth- Political Continuity in Kazakhstan.

### **Institution in Kazakhstan**

The institutional design processes in Kazakhstan, their respective negotiations over establishing new electoral systems, were characterized by the common prevalence of regionalism (Young, Oram R.: 1994). The well-known similarities in Kazakhstan respective negotiations over new electoral laws reaffirm the strength of institutional legacies during regime transitions and illuminate the need to study the institutional design process in order to identify the mechanism by which these institutional legacies are reproduce. Institutional outcomes emerged from such similar negotiation processes indicates that, while the structural-historical (Bates and Weingast: 1998) context illuminates the sources of institutional continuity, it alone is insufficient to give details institutional origin and transform. However, these negotiations produced a distinct outcome in Kazakhstan.

In a transitional state a common concession can develop among the actors concerned that designing new institutions requires, at a minimum, maintaining stability, and at a highest, establishing an another political regime, like democracy (Elster, Jon and Pruess: 1998). However, stability and regime change thus positive externalities of elite bargaining. In this consensus tends more toward one or the other extreme depends the degree to which those designing new institutions believe that the shift has disrupted the preceding balance of power (Bunce, Valerie: 1995). In other words, while actual effects that institutions have once they are designed and implemented may be unanticipated, actors nonetheless form preferences about the actual design of institutions based on their expected outcomes. Recognizing this empirical reality is also more consistent with the Historical Institutionalism view that individuals and groups respond to new opportunities to amend current power relations.

Electoral systems are a central element of as one institutional breakdown as well as the study of democratic transitions rather the approach of electoral systems is at the extreme spirit of transitional politics. The establishment of an electoral system, however, keen on the spirit of authority dealings along with the political procedure in transitional states, power struggles because the transitional unfolds. Electoral systems are as well a significant institution for political gauge change which is for the reason that assessing the level of a country commitment to democratization (Luong: 2002). In the electoral systems are habitually the first the institutions those political actors in new states otherwise states undergoing transition towards seeking to design which are together to expand internal acknowledgment along with to strengthen external legitimacy.

In the Republic of Kazakhstan established a set of rules governing the election of national legislatures which are the implementation of new-fangled electoral laws in Kazakhstan imitate the degree of significance so as to political privileged as well as activists in the region on this institution. However, outline new electoral rules in the spring of 1993, in Kazakhstan have yet to resolve several essential fundamental concern which are including those about the relationship connecting the executive as well as legislative branches of government(Pierson: 2000). The establishment of electoral systems did not commence a developed transition to democratize the institution in

Kazakhstan mutually the procedure through which these new-fangled electoral systems were planned as well as the effect of that procedure provides numerous essential approaching into the nature of power along with political change in Kazakhstan after independence.

### **Separation of Powers in Kazakhstan**

Separation of Powers in Kazakhstan has acquired particular pressure as straight related to global, national, and regional security. Definitely, corresponding performance of independent and interact branches of all state power such as like the legislative, executive, and judicial is part of a sensible and adequate foreign policy that stems from the country's national interests and to a great disclosure helps the state deal with threats, risks, and challenges. The experience of state development and the purpose of the separation of powers in Kazakhstan, has already confronted the specialist community with a set of far from straightforward questions about the role of the traditional forms of governance; the approach the classical principles should be borrowed and applied; and the impact of initial circumstances on what the governments, parliaments, and judiciary of the newly independent states can do (Zhurakulov: 2011). The current history of the countries neighboring on the region under assessing suggests that the emergence, functioning, as well as the development of the tripartite system of the separation of powers, call on behalf of close attention. Nevertheless which are the issues of a separation of powers has not involved the concentration of the academic and specialist communities and has not become a subject of closer scrutiny.

The ideas based on a modern principle of a division of the authorities, for the first time, were expressed by Aristotle (350 BC). He formulated the idea of separating the power in the state organs like- legislative, executive and judicial; each of the authorities should be represented by the separate 'body'. The importance of the independent judicial system in England were established at the beginning of 11th century, when William the Conqueror come to throne in 1066 and had started settling new laws in the whole England (today is known as Common Law) and also had fixed by the principle of the separation of powers. Whereas, the Kazakhstan legal system, Judicial power as the legal category is rather new. On 30th August 1995 on the base of the announcement of

Independence the Constitution of The Republic of Kazakhstan had been accepted and it covered the initial principles and appointments of independence of judges (The Constitution of The Republic of Kazakhstan: 1995).

On 16 December 1991, the Parliament of the Republic declared the independence of the Republic of Kazakhstan was formed and, however, during the period of 1991-1995, the political system along with Constitutional legislation of the Republic was form. The first Constitution of Kazakhstan was adopting in January 1993. Being to a few level a conciliation linking the old along with new political systems which are stunning effort to commence keen on the post-Soviet circumstance a western democratic model, this Constitution to begin with enclosed some inconsistency which infrequently take the appearance of abnormal opposition as well as resistance to power. As an outcome of the Referendum held on 30 August 1995, a new Constitution of the Republic of Kazakhstan was implemented along with removing the shortcomings of the previous constitution. The new Constitution established a Presidential Republic of Kazakhstan and explains the dilemma of alienated farm duties sensibly among unlike brushwood of power, at the same time as also warm changes to the market scheme.

According to Article 3 of the Constitution states that the state power in the Republic of Kazakhstan is built-in along with execute on the starting point of the Constitution as well as laws in harmony with the principle of its separation of power into all three branches like the legislative, executive and judicial branches and a structure of checks and balances that administer their communication (The Constitution of The Republic of Kazakhstan: 1995). First, the legislative branch contains Parliament of the Republic of Kazakhstan such as the Senate along with the Majilis: second, the executive branch comprises the Cabinet of Ministers, state committees, and others central and local executive bodies of the Republic; and lastly the judicial branch contain the Supreme Court as well as Constitutional Council and local courts such as regional, district and others.



## **Political Parties and Electoral Systems in Kazakhstan**

In this study an attempt would be made to examine the electoral systems design in particular often measure relative power according to each political party's position in the status quo (i.e., incumbency versus opposition) and its expectation for electoral success based on its performance in the preceding election, its relative size, and/or public opinion polls (Bawn: 1993, Goddes: 1996). This tendency, of course, stems directly from the fact that the relevant actors are also presumed based on the immediate strategic context alone, in other words, incumbent versus opposition parties.

The establishment of electoral systems in Kazakhstan presents a composite set of integrally related pragmatic puzzles. These puzzles, this study develops an active move toward in the direction of illumination institutional origin and change, however this study approach mutually build on the explanation imminent of the dominant approaches to explaining institutional source and change along with rise above these approaches through moving within the structure versus agency discuss (Kaufman and Stephan: 1997). Moreover, this study highlights the role that together structural, as well as reliant factors, play in determining elites awareness of shifts in their relative power, mainly the degree to and way in which they consider their absolute power is shifting owed towards the instability and ambiguity produce through the change. The scope of institutional change opposed to continuity, nevertheless, depends on the in general degree and route of this professed power shift (Olcott and Martha: 1993). However, the institutional outcomes are different for the reason that the transition from Soviet rule shaped diverse sensitivity of shifts in the balance of power amid regional leaders as well as central leaders in Kazakhstan. Established elites could thus reformulate the separation of political pressure in brightness of these power shifts with no disputing the extensively predictable basis for share out power as well as privileged (Higley and Gunther: 1992) in the potential for change and uncertainty, particularly with respect to the shifts in absolute power. Transitions require not only the perspective for change in precursor conditions that previously clarified to actors their identities, interests, and relative capacities, but also a far above the ground degree of ambiguity about the nature and way of this change.

Far from a decisive break with the past, the blueprint of electoral systems in Kazakhstan clearly demonstrates that these republics continued to embrace certain features of their shared Soviet legacy following independence. In particular, the predominance of regional political identities directly influenced the process by which each state established this new institution (Bratton, Michael and Nicholas: 1997). In the Republic of Kazakhstan engaged in bargaining games characterize through rationally based actors, preferences, and conceptualizations of power as well as power relationships. While the continued salience of regionalism in Kazakhstan leaders did not preclude some institutional change in the region, and indeed, produced significant variation in their respective electoral systems and corresponding rates of political liberalization (Knight: 1992), it acted as a strong impediment to more fundamental institutional and regime change. Perceived shifts in relative power among established actors during their respective transitions made institutional innovation and changed possible in Kazakhstan. However, was the transition collide on power relations believed to be dramatic adequate to compel them to support an independent transform in institutions? Rather, well-known elites construct institutions so as to consciously reconfigured the prior separation of political pressure with no troublesome the extensively predictable source for allocating power as well as a privilege.

### **Political Continuity in Kazakhstan**

In the Republic of Kazakhstan implemented the new political institution point out the continuing power of the Soviet system, to a certain extent than its approaching failure. The establishment of electoral laws in Kazakhstan built-in an indistinguishable set of central part actors who used the similar measure intended for decisive together their first choice over the institutional result as well as assessing their bargaining power. The dynamic electoral role of the post-Soviet Kazakhstan space, the legislature processor changes in the constitution. In the third wave of democratization which is the denunciation of the Soviet system in support of Western political along with economic institutions was, therefore, predictable certain (Huntington: 1991). It recognizes regional political identities because the method on behalf of institutional continuity in Kazakhstan and the exacting nature furthermore effects of the Soviet institutional legacy in

Kazakhstan as the fundamental basis of that continuity. The first few years of the transition from the Soviet rule in Kazakhstan are directly influenced together the central and regional leaders' sensitivity of shifts in their absolute power.

The negotiation process in Kazakhstan is shared some striking similarities. Two core sets actors negotiated the same four core matter that frame the discussions are the formation of parliament, the selection of candidates, direction over the elections, and the resolve of seats. The most important actors are alienating from fundamentally two groups such as the regional leaders and the central leaders. However, these actors collectively preferred electoral systems that would preserve the position of the regional in opposition to the central level of government, correspondingly (Pauline: 2004). All the actors concerned outlook asymmetrical power relations in terms of the sharing of power with decision-making pressure between the regional level as well as the central-level governments and between the regions. Soviet policies furthermore institutions in Kazakhstan are formed, changed and institutionalized local political identities, although at the similar time eliminating tribal, religious, and national identities, deteriorating them, or confining them to the social and cultural spheres (Kathleen: 1999). In Kazakhstan republics, Soviet policies and institutions motivated individuals to transfer the locus of their political distinctiveness beginning tribe as well as Islam to region, and on the way to personally spend in local to a certain extent than national political identities.

The disparity in Kazakhstan respective electoral systems, then, is the nature of their transition from Soviet rule to independent statehood (Kubicek, Paul: 1998). However, the transitional context in Kazakhstan varied in significant ways, and, this variation straight effect on actors' perceptions of the measure and route of change in the basic parameters of the earlier system- particularly asymmetrical power relations. The transitional context in Kazakhstan varied in significant ways and that this variation had a direct impact on shaping established and emergent actors' perceptions of the measure and route of change in their absolute power (Hall and Taylor: 1996). The transition from Soviet rule in Kazakhstan, therefore, also reinforces the notion that understanding how power is allocated and measured in a given political context is key to explaining institutional continuity as well as change.

All these article, books, and reports have helped to make a conceptual framework to this study. Although the several study has been done on the issues of institutional changes, it is noticed that the topic "Institutional Changes and Political Continuity in Kazakhstan" has not been studied by the scholars. Therefore, it will be useful to understand the problems of human rights and democracy in these two republics. This literature review leads us to conclude that, an understanding of the recent democratic reforms policies in Kazakhstan must conceptualize them as a part of wider political processes involving the relationships of different political groups and their linkages with the state.

### **Definition, Rationale and Scope of Study**

Institutions are the rules of the game in a society, collectively through their enforcement measures, and however they contain together the formal rules like laws and constitutions, and the informal rules like conventions and norms, and are humanly-devised which are into the understanding that they are a creation of social communications in the midst of people; consequently, technological constraints such as the laws of physics are not institutions. North (1990), in compare, gives the informal rules a central role in institutional change, however in North's statement which for the reason that in the hierarchy of rules approach, the formal rules transform as an outcome of conscious although bounded coherent procedures through organizations as well as individual entrepreneurs through a political procedure. Stipulation the institutions are laying down of rules where the problem of institutional change is converting into how do the rules transform?

As mentioned above, the existing works of literatures talk of the continuous the significance of the learning of institutional origin and change for the reason that regime transition further than the conventional knowledge. The significance of the study is to analyze the institutional change and political continuity in Kazakhstan, after the disintegration of the former Soviet Union. This study would also examine an internally reliable explanation used for together institutional propose furthermore system change. To give details not merely the exact set of empirical mystery presented through electoral systems in the region other than as well several broader questions connected to the

character in Kazakhstan transition from Soviet rule. The establishment electoral systems in the region are single in which the perseverance of the old formulas for building political decisions and resolving political variance in effect reendowed preexisting conceptions of power and power relationships on new institutional forms. This research illuminates together the structural factors furthermore human agency that concern institutional design along with system change. This study of research examines to assess in Kazakhstan shift beginning Soviet rule since independence, in addition, to developing perceptive of together institutional device moreover system transform.

### **Research Questions**

Following are the research questions:

1. What role did the institutions play during the Soviet period?
2. What is the difference between Soviet and Kazakhstan institution?
3. To what extent informal institutions like clans, tribes, religious institutions, regional allegiances have influenced the Kazakhstan politics of the region?
4. What are the major hurdles in the creation of democratic institutions in Kazakhstan?
5. What are the functions of institutions in Kazakhstan?
6. What problems are faced by the institutions in Kazakhstan republics?

### **Hypotheses**

Following are the hypotheses of the proposed study:

1. The development of political institutional shows the impact of history, i.e., the Soviet political culture of the nomenclature.
2. The Constitution has failed in establishing the essential democratic institutions and structures in Kazakhstan republics.

3. As long as democratic institutions remain weak democratic process would not be strong in the region.

### **Research Methodology**

The proposed research will be carried out through historical, analytical and descriptive methods of research. The research is exploratory in nature. It would be based on comparative approaches to the text of institutional changes on Kazakhstan. This study will make an attempt to explore out how to changes and continuity of institutions in Kazakhstan is historical and descriptive the nature of research will also adopt analytical technique while dealing with setbacks of governance in Kazakhstan. Various theoretical approaches of the institution would be added in analyzing the changes in the institutions and method of governance in Kazakhstan. In the proposed study, deductive method would be used which works from more general to more specific, and it is also known as top-down approach. The research scholar would try to break the generalization to test the hypothesis. Deductive method helps in moving from a generalized notion of a more specific understanding of a concept. There are three hypotheses in the proposed research where the failure of a constitution and weak democratic institutions are the independent variables while the strong institutional structure and democratic processes are dependent variables respectively.

The research will be based on both primary and secondary sources available in the English language. The primary source includes Various Reports, Government Documents, Speeches, Constitution, Laws, Acts, Ordinance, etc. The secondary source includes books, articles, periodicals, journals, seminar reports, scholarly papers, magazine, newspapers, and Internet materials available at a website would be consulted for the proposed study. The relevant information of lectures, workshops, would also be used to fill the gap. Besides, the study would also utilize interviews published in magazines and print media. Review of data collected from primary and secondary sources would be taken from the internet sources would be used in this research.

## Chapters

This study comprises of six chapters including introduction and conclusion.

The first chapter is an overview of the present study. This chapter deals with the theoretical framework on the one hand and introduced the subject on the other. Besides, it would also focus as on the review of the literature and research design. It serves as the theoretical background on which the study of institutions in developing countries studied. This chapter also serves as a theoretical framework for the next five chapters that examine and assess the degree of a political institution in the region. This chapter serves as a background to the study.

The second chapter is related to the History of the Political Institution in Kazakhstan. The historical background and that encourage the people of these nations to adopt political institution studied in the region. This chapter makes an effort to trace out the origin of institutions in the region. The chapter has also made an effort to study the influence of the Soviet institutional legacy of the institutions building in Kazakhstan.

The third chapter is a Separation of Powers; executive, legislative and judiciary in Kazakhstan. The chapter focuses on the constitutional mechanism for the creation of the democratic institution in Kazakhstan. Besides, the chapter also analyzes the functioning of these institutions in the countries. It recognizes regional political identities for the reason that the device for institutional continuity in Kazakhstan and the scrupulous character as well as belongings of the Soviet institutional inheritance in the region as the fundamental basis of that continuity. Directly influence together the central and the regional leader's perceptions of the shift in their absolute authority.

The fourth chapter is Political Parties and Election in Kazakhstan. The chapter makes an attempt to examine the various challenges such as centralization of power, clan system, tribalism, Islamic radicalism and Soviet legacy which are the major hurdles in the creation of true democratic institutions in the region. It also extends the analysis by investigating the role of political parties as vehicle of recruitment into the executive branch of government and the regional pattern of party identification and measures the electoral strength of major national parties across the entire region.

The fifth chapter is Continuity of Political Regime in Kazakhstan. The chapter would also analyze the connection amid perceptions of power shifts, as well as prospects used for democratization in the region. The establishing electoral systems in Kazakhstan is solitary in which the perseverance of the older formulas for building political decisions and resolving political variance in effect reendowed preexisting conceptions of power and power relations onto new institutional forms. Furthermore, the connection linking sensitivity of power shifts institutional continuity furthermore change that are a prediction in favor of democratization in the region.

Finally, in the conclusion, chapter sums up the finding of all chapters of the study and detailed conclusions of the present study undertaken have been presented. The gap in the present knowledge and innovative approach has been highlight in this chapter. It also includes the observation and a conclusion derives from the study. This concluding chapter is an attempt to study the applicability of the theories of the institution in Kazakh polity.



## **Chapter - II**

### **History of Political Institution in Kazakhstan**

Prior to analyzing the democratic process of Kazakhstan, it is essential to trace out the genesis of Kazakh society as well as the political history. Since initial times, the Kazakh steppes were the grazing grounds for various nomadic empires that rise and fell in the region. According to legerity, the Kazakh tribes earliest called themselves the Alti Alash, named following their founder Alasha Khan, who combined the Turkic tribes in southern Siberia and found a Kazakh state to facilitate flourished linking the 12th and 6th centuries BC. There is little evidence, nevertheless, of this early civilization or the Alash people.

In 1218, the province was distressed by the Mongol hordes beneath Genghiz Khan. The Kazakh nomads had migrated southward with their flocks of sheep and goats and herds of yaks and camels. In the fifteenth century, the Shaybani Khans combined the Uzbek clan keen on the Shaybani Ulus or in the meeting, which overpowered the Timurids - offspring of Tamerlane. A section of the Shaybani Ulus required shelter with the Chaghatai tribes on the Xinjiang-Kazakhstan boundary. These tribes came to be acknowledged by an outsider as 'Kazakh' possibly from the Arabic word 'Gaza', which means outlaws. Nevertheless, they preferred to identify themselves Kyrgyz. But they were called as the Kara Kyrgys for several centuries. There is considerable debate on the origins of the word 'Kazakhs.'

As the Uzbek confederacy consolidated power in Bukhara and Samarkand, the Kazakhs as they were then called, took over the northern steppes. Under their first chief, Burunduk Khan (1488-1509) and Kasim Khan (1509-18), they achieved their distinct identity by resisting Uzbek advances. The Kazakhs were alienated hooked on three hordes such as the Great Horde engaged Eastern Turkestan; the Middle Horde lived into the central plain province, and the Little Horde engaged the west neighboring the Urals.

Every order was clan or of tribal, clan and family units were ruled by a Khan. Khans ruled the demarcated areas in which they graze their flocks and organize their military forces.

After this, Russian began to capture the Kazakh territories. In the beginning, the Russian built the forts in the west of the Caspian Sea and penetrated into western Kazakhstan. The Kazakh khans, trapped between the Qirots and the Russians, finally acceded to Russian suzerainty and asked for Russian protection. The Little Horde signed a treaty With Moscow in 1731, the Middle Horde in 1740 and the Great Horde in 1742. During the next fifty years, the deterioration of their nomadic lifestyle caused by the devastation of the wars led to a series of revolts by Kazakh nomads against their khans, the most far-reaching being the revolt of Batyr Srym in 1792. These revolts created confidence in the Russians toward eliminating the khanates. During the period between 1822 and 1848 the entire Kazakh region was incorporate into the Tsarist Empire. Although Kazakhs were late converts to Islam, having been converted only in the sixteenth century, the Russians attempted to control them further by importing Tartar mullahs, in the belief that Islam would make them more docile. Soviet historians rarely mentioned the deaths of so many Kazakhs, and they have always tried to prove that the early accession of the Kazakh Khans to Russian sovereignty demonstrated the general Kazakh desire to be join with their elder Russian brothers.

Without any natural state formation, the Kazakhs were in no position to take on the Russians, although their subsequent revolts against Russian settlers policy demonstrated that Kazakh nationalism was far from dead. Thus, Kazakh history has been written in blood, and the race has been close to extermination several times. The people's suffering over the centuries has determined their complex psychological make-up today. Still dominated by Russian settlers, they appear accommodating, docile and over-anxious to please the Russians – in appearance the most pro-Russian of all the Kazakhstan peoples. Under the surface, however, lay a bitter anger moreover an enthusiastic intelligence of have been profoundly offended by the past. Demoralized through both the Russians and their Uzbek neighbors, a strapping dormant independence persist which the fresh Kazakh rulers at the present have to challenge amid.

Kazakhstan is the largest Central Asian republics. Its massive landmass covers 2,727,300 square kilometers. Its territory stretches 3,000 kilometers from west to east and 2,000 kilometers north to the South. For 500 kilometers, its northern and western borders are contiguous with Russia, and it has a 1,533-kilometer eastern frontier with China. In the South, it borders all the other Central Asian republics except Tajikistan. In the west, it encompasses the northern shores of the Caspian Sea, the world's largest lake, and also much of the Aral Sea.

After discussing Kazakh history, it is pertinent to have a look at the history of the political institution in Kazakhstan. The political ferment created by the 1916 revolt pushed a small Kazakh nationalist party to the forefront. In 1905, a handful of Kazakh intellectuals had set up Alash Orda, an informal, underground party that was to be the first nationalist party, calling for a free Turkestan in Central Asia. These intellectuals were to lay the first seeds of Kazakh nationalism and their writings today are playing an important part in the re-emergence of Kazakh identity. The Alash leaders included Ali Khan Bukeykanov (1869-1932) a prince and descendant of Genghis Khan who became a Tsarist official. Ahmed Baitursun (1873-1937) was also a Kazakh aristocrat and a noted poet and educationist, who was expelled from the region in 1909 for revolutionary activity but later returned to join Alash. Mir Yakub Dulatov (1885-1937) a Kazakh aristocrat who studied at a Muslim madrasa, became a radical Muslim nationalist and was a founder member of Alash. Such men came from the numerically small, educated Kazakh aristocracy who entered politics at a time when the Kazakh nomads were leaderless. All these nationalists were to die in the 1930s, the victim of Stalin's purges.

In 1917, Alash faced difficult situation. Both the whites "Tsarist army" and the Reds "Bolsheviks" had little time for Kazakh nationalism although both sides were keen to enlist Kazakh help with false promises of freedom and autonomy. The Civil War was seen as a conflict between Russians in which the Kazakhs had little to gain no matter who won it. Alash remained crushed between these two forces and vacillated between them. Ahmed Baitursun wrote about the unpleasant choice facing the Kazakhs and Kyrgyz in 1918:

The Kazakh-Kyrgyz received the first revolution in February 1917 with joy and the second in October 1997 with anxiety and terror. It is easy to understand why. The first Revolution had liberated them from the oppression of the Tsarist regime and reinforced their perennial dream of autonomy while the second revolution was accompanied in the borderlands by violence, plundering and by the establishment of an authoritarian regime. In the past, a small group of Tsarist bureaucrats oppressed us; today the same groups of people or others who cloak themselves in the name of Bolsheviks perpetuate in the same regime in the region.

Alash Orda held its first official party congress in Orenburg in April 1917. The Congress demanded that all land seized by the Russians be return to the Kazakhs, Russian immigration into Turkestan be stopped, education should be in the Kazakh language and Kazakhs should stop helping the war effort. At the time, these demands were seen as a major threat by both the Reds and the Whites. Both sides tried to court Alash but were consistent to deny them any political right.

As a result of the Congress, Alash set up a government of the Eastern Alash Orda in Semipalatinsk in northeast Kazakhstan and elected Ali Khan Bukeykhanov as President. Because of the severe communications problems in the vast steppes, another center of government was created in Zhambeitu in the Urals, which was called the Western Alash Orda government. For a time, the Alash governments refused to join either the Reds or the Whites resisting them both until January 1918, when the Bolsheviks captured Orenburg and disbanded the Alash Orda government. Many Alash leaders began to negotiate with the White armies. By the summer of 1918, the White armies under Admiral Kolchak had cut off Central Asia from Russia and were making progress across the Kazakh steppes and after defeating the Bolshevik.

The civil war that raged across Kazakhstan for nearly five years devastated the population. The fragile economy and the land made the situation worst in the country. After joining Admiral Kolchak, Alash leaders quickly opposed the brutality of the White armies while Kolchak himself refused to concede many of the Kazakh demands for autonomy. By 1919, Alash rejoined the Bolshevik, by late 1920s defeated Kolchak,

although sporadic fighting was to continue until 1923. In March 1920, the Bolsheviks called a Communist Party Congress in Orenburg and invited the Alash leaders to participate in it.

Whilst the Bolsheviks could not afford to antagonize the Kazakh nationalists at a time when Red power was so fragile in Central Asia. Alash leaders were encouraged by Lenin's statements on autonomy, hoped that they could achieve their aims through the Bolsheviks. Alash had little choice but to join the victors of the Civil War. Its decision was also prompted by fears that the Russian settlers in the north might split Kazakh territory and enforce a union of northern Kazakhstan with Russia. Today, as Kazakh nationalism grows similar fears still exercise the minds of the leaders of newly independent Kazakhstan. The newly formed Communist Party of Kazakhstan (CPK) was to remain dominated by Russians for several decades. On 26 August 1920, the Kazakh Autonomous Soviet Socialist Republic was created and in October the first constituent Congress of Soviets of the new republic was held with the participation of many Alash leaders.

The Kazakhs have been a minority in their homeland ever since the Civil War and have never recovered either their numbers or the ability to defy the Russians. The Kazakh holocaust - for it can be called by no other names - far exceeded that of any other Soviet nationality during Stalin's period. The formation of Kazakh territory was even more tedious. On 5 December 1936, the Kazakh Soviet Socialist Republic was formed. Kazakhstan's purge territory was stitched together by the communists in a completely disorganized fashion: wherever migrating. At the tenth Congress of Soviets of Kazakhstan in March 1937, a new constitution was adopted.

Khrushchev carried out another purge of the Communist Party of Kazakhstan (CPK), removing the Secretary General Zhumabai Shaiakhametov, a Kazakh, and his deputy and replacing them with two Russians, one of whom was Leonid Brezhnev. It was Brezhnev's ability to present the Virgin Lands Scheme as a modern economic miracle and his successful suppression of Kazakh protests against it. It later on brought him to prominence in Moscow. In 1964, Dinmukhamed Kunayev, a Kazakh and a Brezhnev loyalist, was promoted to the position of first secretary of the CPK. Becoming a member

of the politburo in 1971, he led Kazakhstan for twenty-two years until December 1986. Kumtyev pampered Brezhnev, the first secretary of the CPSU, by arranging ok shots for him around Alma Ata. Under Kunayev, important party positions were still held by Russians, but this did not stop him from building his power base by putting members of his Duuze clan of the Great Orda into powerful bureaucratic positions. A new Kazakh political mafia developed, owing complete allegiance to Moscow but at times pretending to take a nationalist position to ensure that Kazakh nationalism was not channels into anti-Soviet feeling.

The rampant corruption of the Kunayev regime, and protests by local Russians at the mafia-style politics of his entourage encouraged the newly elected first Secretary of the CPSU Mikhail Gorbachev to sack Kunayev in December 1986. He was replaced by an ethnic Chuvash from Russia, Geqnady Kolbin, fifty-nine years old and an outsider. Initially Gorbachev committed a number of mistakes in Central Asia. Gorbachev was entirely not sensitive to the rising demands regarding local autonomy in the country. The appointment of an outsider as a general secretary of Kazakh Communist Party was a kind of signal that Moscow did not faith Kazakhstan. On 17 December 1986, a few days after Kolbin appointment anti-Russian riots against his appointment broke out in Alma Ata. The riots sent shock waves through the Moscow establishment because they were the first to break out in Central Asia as the policy of glasnost got under way. Kazakhstan had always been pointed out as the finest example of interethnic harmony in the Soviet Union. The riots also upset the communist elite in other Central Asian republics who now feared similar expressions of anti-Soviet feeling and inter-ethnic strife. Coming at a time when Soviet troops were Mujahidin in Afghanistan, the riots raised fears that they might turn into a wider protest movement against Soviet involvement in Afghanistan.

Kolbin tried to reassure the Kazakhs by setting up a commission of inquiry, but by the time the riots were brought under control Kolbin was a lame-duck leader. He was defeated in the elections of March 1989 and was replaced by Nursultan Nazarbayev the first as secretary of the CPK. In the opening straight an election on 22 February 1990, Nazarbayev was re-elected the same as initial secretary along with become chairman of the Supreme Soviet. On 26 October 1990, Kazakhstan acknowledged its autonomy.

Nazarbayev was to come into sight as the most significant leader in Central Asia because of his adroit handling of the crises till it was to follow the Soviet Union and in Kazakhstan itself.

After removal of Kunayev in 1986, Nazarbayev had been selected by the Chairman of the Council of Ministers of Kazakhstan, a job similar to being Prime Minister. He traveled extensively within Kazakhstan and got to know both the Communist Party of Kazakhstan members and the region's problems, which stood him in good stead when he emerged as the natural compromise choice as Kolbin's successor. He quickly grew close to Gorbachev, who in 1990 invited him to join the Politburo of the CPSU. According to a Kazakh journalist, Nazarbayev has been able to synthesize different political traditions European reformism, adherence to democratic procedure and the hallmarks of the Asiatic leader traditionalism, intuition, and Oriental authoritarianism. He is a kid of two worlds in all of which he is a flirted along with associates. Furthermore, he played local politics skillfully, balancing Kazakh clan interests with Moscow's directives. Nazarbayev is from the Great Horde but his vice-president, Erik Asanbayev, was from the Middle Horde while his first Prime Minister was from the Little Horde.

At a special Congress of People's Deputies on 7 September 1991 the CPK was renamed the Socialist Party, despite loud protestations by many communist deputies. Nazarbayev refused to head the new party, saying he had to be president of all the people. For Nazarbayev, 1<sup>st</sup> December 1991 was a day of mixed blessings. He was elected President in the first direct presidential elections in Kazakhstan, winning 99.8% of the vote, but on the same day Ukraine voted for Independence, thereby rejection the Union. On 16 December, Kazakhstan announced its independence, the last of the Central Asian republics to do so. Nazarbayev said that "The majority of the Soviet people are against the disintegration of the Soviet Union. It will be kept intact but perhaps not in the same way as before."

The relationship among Kazakhstan visa-a-visa CIS has an important bearing on the democratic process in Kazakhstan. Since the creation of the CIS, Nazarbayev has

maintained a three-pronged strategy to conserve close links with Russia in order to pacify the local Russian population, to enhance Kazakhstan's historic and cultural identity in order to keep Kazakh nationalism in check and to strengthen links with other Central Asia states, for which he has emerged as the leading spokesperson. It is a difficult balancing act when the political and ethnic opposition within Kazakhstan is growing.

Despite his popularity, Nazarbayev runs an authoritarian government, which like China does not allow serious political liberalization to take place but instead argues for economic liberalization and development first. Nazarbayev had learned his lesson from Gorbachev, who allowed political liberalization to take place before he brought about any fundamental economic changes. Only three parties have been registered by the government and therefore allowed to operate legally: the Socialist Party which is the renamed CPK, the Social Democratic Party which broke away from the Socialist Party, and the Azat party, the official Kazakh nationalist party. Azat, led by Ormantaev Kamal, was founded in 1991 as a result of a merger between various Kazatffi nationalist groups. It concedes a role for local Russians. However, only a handful in the 360 member Supreme Soviet have declared their affiliation to any of the political parties a fact that emphasizes the lack of party politics in the Republic and the continuing loyalty to Nazarbayev.

But there is no shortage of opponents to President Nazarbayev. The first are the semi- underground and more extreme Kazakh nationalist groups. One such group, Adalat, which is strongly anti-Russian, was set up to commemorate the Kazakh victims of Stalin's purges and the deaths by famine in the 1930s. Alash, named after the first Kazakh nationalist party, is also the closest thing to an Islamic fundamentalist party in Kazakhstan. Zheltoksan or December named in honor of the victims of the 1986 riots and led by Hasan Kozhakhmetov; who has spent a considerable time in prison has adopted a strong nationalist platform. These are small urban- based parties within the Kazakh intelligentsia and youth, but they do not have a wide base of appeal largely because they are not allowed to propagate their ideas.



These parties opposed Nazarbayev in the 1991 elections, but Hasan Kozhakhmetov could not gather the 100,000 signatures needed to run as a presidential candidate, an indication of the party's lack of wider appeal. These parties promote an amalgam of demands, which include calls for a Greater Turkestan, closer ties with Turkey, and elements of Islamic fundamentalism. Alash held its first congress in Alma-Ata in October 1991, but after a small anti-regime demonstration, security forces moved in and arrested several Alash members for allegedly insulting the President. The Islamic Renaissance Party (IRP) also has a small base in Kazakhstan, but it is mostly dominated by non-Kazakh Muslims, which does not make it attractive to Kazakhs. Olzhas Suleimenov said that "The most popular of the Kazakh opposition movements that spearheaded the growth of political parties have been the anti-nuclear and Green movements. Kazakhstan was just a junk heap where Russia threw all its garbage." The best known is the Nevada-Semipalatinsk Movement or Nevada for short, which has subsequently developed into the People's Congress Party, the most important political opposition. Nevada was founded in 1989 by two former Soviet deputies such as Olzhas Suleimenov, an outstanding poet and writer, and Mukhtar Shakhanov, who headed the official commission that looked into the 1986 riots. The movement is named after the two nuclear test sites of the former Soviet Union and the USA. Nevada initially demanded an end to nuclear tests and the shutting down of the two test sites, but its political platform has subsequently widened. Nazarbayev has remained friendly with the leadership of Nevada in its activities. If this is true, then Nazarbayev has tried to channel Kazakh nationalism and anti-Russian resentment into a soft, semi-official party that confronts the heritage of Russian colonialism, not on the basis of ethnic chauvinism but on issues such as environmental damage, which have a wider domestic and even international appeal.

On 28 August 1991, a week after the abortive coup attempt in Moscow, President Nazarbayev announced that the Semipalatinsk site would be closed down, and compensation given for the victims of a nuclear test. In June 1992, the government declared the area around the site an ecological disaster zone, banned all agricultural activities and invited foreign specialists to help eradicate the effects of nuclear testing. By then the Nevada movement had developed into a bustling opposition party. On 5 October

1991, Nevada turned itself into the People's Congress of Kazakhstan at a large meeting in Alma Ata, which was addressed by Nazarbayev himself. The new party, a broad front organization that now advocates speedy privatization, embraces many Asian nationalities living in Kazakhstan but few Russians.

An equally sensitive environmental and political issue is the future of the Baikonur commadore. The home of the Soviet space programmed and rocket testing facilities for the military, Baikonur was the most secret of all the Soviet Union's military installations. Situated on the Syr Darya River near the Aral Sea, even its real name, Leninism, was never used the pad it is not mark on any map of the former Soviet Union. All Soviet space flights has taken off from Baikonur, where tens of thousands of people and more than twenty thousand troops live in an artificially created city on the steppe.

Nazarbayev has always been supported by local Russians and other minorities because of his moderate views. Though, a strong undercurrent of polarized. Ion between Kazakh nationalists and Russia nationalists is running through the republic although Nazarbayev denies it. "We are the only Republic that people are not leaving. We are multi-national, and the ethnic problem will only become acute if the Commonwealth disintegrates and the economic problem worsens" Nazarbayev said. A new movement amongst Russians m the north is filled gamma ground. In December 1992, many 15,000 Russians well-known Ust-Kamenogorsk demanding that Russians be recognize along with Kazakh as a state language and so as to twofold nationality with Russia exist given to Russians. It was a sign of the new Russians belligerence and a result of the intense debate that had taken place over the language issue ever since a draft constitution was publish in April 1992 and the public were encouraged to discuss it. When the constitution was finally approved on 29 January 1993, it endorsed Kazakh the same as the certified language and made Russian the social language between people. It declared that the president of the republic should contain an authority of Kazakh, a provision strongly objected to by Russian parliamentary deputies. According to them, this cause made it impossible for 60 percent of the population to stand as president. Russian deputies also argued that the seeds of social and ethnic unrest and anti-Russian discrimination had been shown by the new constitution. Kazakh nationalists meanwhile insisted that not enough

was being done to nurture a sense of Kazakh nationhood. The fear that the majority Russian population in the north could decide to opt out by seceding from Kazakhstan and joining up with Russia remains a constant anxiety for Nazarbayev. No ethnic issue has been more sensitive for Europe than the fate of the Volga Germans. During World War II, Stalin dissolved the Volga Republic and ordered the mass deportation of Germans to central Asia. Between 300,000 to 600,000 died in prison trains and camps. There are some two million Germans in the former Soviet Union, of whom 960,000 live in Kazakhstan. Between 1989 and 1992, more than 400,000 Volga Germans resettled in Germany.

The ethnic factor in the future stability of Kazakhstan closely linked with the revival of Islam. Historically the Kazakhs are the least Islamic zed of the central Asian peoples, and they have undergone large scale Justification. Islamic fundamentalism amongst Kazakh is rare compared to Uzbekistan and Tajikistan. Nevertheless, Islam now holds a fascination for the Kazakh, not just for religious reasons but because it is a part of historical and national identity that they want to assert and which makes them decisively different from Russians. After the civil war in Tajikistan erupted, many Kazakh expressed fears that the conflict would spread. President Nazarbayev said, "Islamic parties and outside countries have played a disastrous role in Tajikistan. All this could degenerate into a very great calamity for the whole region."

Until January 1990, Kazakhstan's Muslims were governed by the pliant, Soviet-backed Muslim Religious Board based in Tashkent. However the ambitious Qazi of Alma-Ata, Redbek Nisanbai, staged a minor coup on 12 January 1990, having himself elected grand Mufti of Kazakhstan and setting up his religious board, independent of Tashkent. A man who is politically aggressive and intensely ambitious, he is also a deputy to Kazakhstan parliament and has started to create an effective power base around himself. He has played politics astutely, throwing his weight behind ecological and anti-nuclear -movements but has never crossed the limits to join the opposition. Nisanbai opened Kazakhstan's first madrasah in 1991, published his translation of the Koran into Kazakh language and began a monthly Islamic newspaper. At least 250 new mosques were building during 1990-90 through public subscription. Perestroika has been useful

for Islam. Our people now want more Korans, mosques, and Islamic schools. I will give that to them he said, in 1992 Nisanbai set a target of building 300 more mosques.

Lots of the realistic who come to implore each Friday at local mosques be in the right place to not Kazakh minorities, who see Islam as an effectual way to coldness themselves on or after together tile Kazakh and the Russians with the same as a means to declare their ethnic identity through their national homeland. These young men such as Uzbeks, Tajiks, Chechen, Tartars, Uighurs or Mongols are also the most energetic in distributing literature, in setting up study groups on the Koran and in fanning an effective base for Islamic Renaissance Party (IRP) and other Islamic Fundamentalist Parties (IFP). Thus, the revival of Islam has added to the ethnic complexity and tensions in Kazakhstan.

Kazakhstan is the center of gravity in Central Asia, and when President Nursultan Nazarbayev speaks he has the influence, the nuclear clout, and international standing to speak for all of Central Asia. At home, his political standing was temporarily damaged by the creator of the CIS and Russia's egotistical attitude towards him, but he has recovered from that sufficiently to assert once again his authority on people who, seeing the turmoil all around them in Central Asia, view Nazarbayev's as the only salvation at the moment. Kazakhstan faces immense problems: the potential for ethnic strife, a huge Russian population, environmental damage, nuclear weapons on its soil and long borders with other central Asian states far more unstable than Kazakhstan. Nevertheless, Nazarbayev's insight and integrity has brought a level of stability to Kazak that even the most optimistic could not have hoped for.

The functioning of political institutions in a particular country shows how political continuity is working there. To have a thorough knowledge of Kazakhstan's institutional changes, it is pertinent to look, into the development of its political institutions. The first sign of the appearance of new democratic elements in the political system was the formation of the Republic from the middle of 1988 of the alternative informal groups and movements. Almost 115 organizations established themselves, the majority having very small number of members. They were forming and reforming sporadically. Some of them stopped their existence in some days after their foundation.

And those, who put forward sufficiently attractive slogans, to collect and hold supporters, afterward turned into political piques and movements. Those belonging to the future multi-party system are the movement AZAT, the inter-ethnic movement Edinstvo, the social-democratic party of Kazakhstan, ALASH, which is calling itself the party. The peculiarity of these first informal movements was their claims of the mass character and clearly expressed national orientation and membership; in spite of the name, for example, the Edinstvo (Unity) united the Russian-speaking population.

The first free election to the parliament “Supreme Soviet”, which took place in March 1990, was significant for the real demonstration of the new order. For the first time in the history of its existence, out of 360 deputies 270 were elected under conditions of strict competition. But 25 percent of the deputies came to the parliament thanks to the party dictatorship when 90 place were given to the social organizations, including 17 to the representatives of the Communist party. It may be pointed out that from among 340 elected on April 24, 1990, 54 were party activists, including 41 professionals such as secretaries of Oblast committees, town committees, CPSU district committees, initial party organization. It is necessary to add to them 55 leader of industry like the leaders of enterprises of industrial, building, transport and communication sectors, 23 directors of State farms, and chairmen of collective farms, 31 workers of Soviet organs. Thus, 174 people 51 percent of the Parliament were the representatives of the nomenclature. That is why the experts of the center "Freedom House" (USA) attributed to Kazakhstan the category of partly Free State.

The adoption of the first constitution of the independent Kazakhstan reflected the difficult period in the formation of the young republic and the creation of the democratic legal state. The one-and-half year work of the creation of the main Law ended after its adoption on January 28, 1993. In agreement with the Constitution, Republic of Kazakhstan is a democratic, secular and unitary circumstance recognizes the significance of an individual's life, liberty as a person and inalienable rights.

The presidential form of the state structure in the Republic lies behind the function of the leader of the state and the executive. The highest legislative organ-the

parliament “the Supreme Soviet” has preserved the leftovers of the old Soviet system. Article 62 declares: “The Supreme Soviet shall be the only legislative, and the highest representative body of the Republic of Kazakhstan and it does not correspond to its legislative functions because of the implications of the hierarchical structure. As the only legislative body, the Parliament may not have lower structures analogous to President vertical line”. The article 64 states: “The Supreme Soviet shall adopt the laws and other decisions, exercise control over their implementation, give the official interpretation of the laws of the Republic.”

The representative branch of the local government is subordinate to the Supreme Soviet which is the highest representative body, and the other one “executive” is subordinate to the President. This also contradicts the powers, division principle, because the Supreme Soviet shall be the only legislative body, but the local Soviets and the local administration chiefs shall be the executive bequest that differs in ways of forming only. As the system of the government is now reform, its powers shall be determined by the current legislation.

The judicial power in the Republic belongs to the Constitutional Court, the Supreme Court as well as the Highest Court of Arbitration selected by the Supreme Soviet and to the subordinate courts. If one of the characteristics of democracy is the real party pluralism, then this part of the constitution is the most open to criticism.

Certainly in the history of the Republic's constitution making there are such rights, as the right to create social associations on the pass of free will and community of interests for the realization of their rights and freedoms on article 16, the right to form registered political parties is being guaranteed, and there is the possibility of free proposal of candidates and so on. At the same time, in the main law, there is no mention of the principle of political pluralism as the basis of the political life, the constitutional status of political parties, and so on.

The new constitution of Kazakhstan is not perfect, for it reflects an imperfect society. According to Aristotle, “it is necessary to create the laws conforming to the

present state structure, but not the wrong way around, adjusting the state structure to the laws". At the same time, the formation and the legislative registration of the new political institutions, the struggle of the supporters of reforms with the conservative forces of the totalitarian past demonstrate the desire of the young republic, though partly free to go in the direction of democracy.

Kazakhstan at present has its third parliament since independence. The Supreme Soviet which was inherited from the Soviet times resigned en masse in early 1994, whereas the second parliament that was elected after the independence was termed dishonest in March 1995 by the country's Supreme Court for election irregularities. The present parliament has been formed after considerable changes in the constitution, election laws, parliamentary regulations and the introduction of institutions like the Council. Consequently, the country now has a legislature reduced both in size and weight. With 30% seats in Senate and 39% in the Majlis, the Peoples Unity Party has vowed to support the reforms introduced by the Nazarbayev government. Armed with such assurances, President Nazarbayev has asked the legislators to back his reforms and declared that if they worked in a friendly manner, the parliament would live longer.

Kazakhstan has put up a democratic face recently. That's why once again words like the Senate such as parliament, legislators, speaker, etc. are heard more frequently. At the present, both the state and the private media mention of new persons and institutions that have appeared on the domestic political scene. The last week of January 1996 witnessed the significant development in Kazakhstan's domestic politics. President Nursultan Nazarbayev opened the first session of Kazakhstan's bicameral legislature and addressed the joint session of the Senate and Majlis where he asked the legislators to back his reforms and work friendly, so that Parliament could continue for longer period. Abaigeldin Omirlek, a veterinarian from the south, was appointed the senate's chairman while the Majlis elected pro-reform economist Marat Aspahov as its speaker. He hails from the northwestern oblast of Aktubinsk.

It is observed that the state media notably carried several reports on the polling and ballot counting procedures during the December 9, Majlis elections. Just before the

parliament's inaugural session, the Chief Election Commissioner declared that possibility of parliament's dissolution, however, remote that be, cannot be ruled out altogether. The extent to which can did coverage was given to violations of regulations during elections may be interpreted as an attempt to raise the question of parliament's legitimacy in future if the need might be. The executive subjected the legislature to significant overhauling and downsizing. Moreover, the mechanics of new regulations worked to produce a parliament which will not be in a position to put up any tough opposition so the government can steer clear of any obstructions such as political, legal or other. Despite all these safety measures, the government is in no mood to comply with the predetermined course of action, the Parliament has made it clear that it will resort to certain other options if need be.

Days before inaugurating the parliament, Nazarbayev met with the leaders of the three leading parties represented in the parliament and discussed the country's future parliamentary course with them. After the meeting, Ahan Bijanov of Peoples Unity Party of Kazakhstan told reporters that his party would back the reforms introduced by the President. The President appointed Yuri Kim as Chairman of the country's Constitutional Council and nominated six other legal experts to serve in the country's newly formed trouble-shooting team to regulate Executive and Legislature relations. According to Article 72, Kazakhstan's constitution at the initiative of the President, Senate Chairman, Speaker of Majlis, at least one fifth members of the parliament and the Prime Minister, the Constitutional Council can decide, in case of a disagreement, the question of rightness of conduct of elections and holding of a national referendum. The Council examines the laws adopted by the parliament before they are to be signed by the President. It also examines all treaties prior to their ratification from various constitutional aspects. The Council gives official interpretation to the norms of the Constitution and also gives its verdict in case the majority of the Majlis takes an assessment to take a claim along with carry out its inquiry against the President for his actions in case of committing high treason. The Constitutional Court along with the Supreme Court will give their respective verdicts about the observance of the established constitutional procedures in such cases.



Kazakhstan's Senate started its business after forming four committees on Finance, Legal Affairs, Foreign Relations, Defense and Security, and Regional Development early February. The newly appointed Chairman of the Senate, Omirbek Baigeldiev, hopes that the senators will gain experience while working as an independent lawmaking body and drawing from the experience of the government as well as the Supreme Soviet and learn from their predecessors' mistake on the other hand. Baigeldiev is reported to have the view that Kazakhstan has passed through the turbulent period as democracy underwent a pause for some time.

As to whether the Senate will scrutinize activities of the government and the Prime Minister, Chairman of the Senate Baigeldiev says that the senators did not feel the immediate need to do that urgently since both the government and the Senate had common aims and objectives to fulfill.

Similarly, Chairman of Majlis or Lower House of Kazakhstan's parliament Marat Ospanov, who studied Economics at Moscow's Plekhanove Institute of Economics and at Kazakhstan National State University, says he IS against setting up commissions to scrutinize government spending. We don't need laws that do not work or undermine some word. There is a department in Finance Ministry which is qualified to do such job, says Ospanov, and adds that the purpose should be to have checks in a civilized way and not to apply political gridlock on the movement. In Ospanov's opinion, the idea of establishing a parliamentary committee on government spending was much ado about nothing. Let the court decide these matters if there are any violations on case to case basis, his proposes.

Ospanov says that he is conscious of the turbulent period through which the poultry and its people had passed and, therefore, prefers that the Majlis made a cool evaded start. If we begin well, we'll continue well. He hopes that in day course, the new parliament will become effective and have more democratic attributes. In his first press conference as Speaker, Ospanov went to lengths to prove that, unlike the previous parliaments the new Majlis was not a burden on the economy and was determined to concentrate on its assigned obligations.

In his inaugural speech, President Nazarbayev expressed hopes that the parliament will be engaged in carrying out the needful legislation. The legislature is required to provide a new penal code, family laws and labor laws for the country and adopt resolutions to allow developments of a viable legal system, said the President. This is why Speaker of Majlis declared that during the forty working weeks of the present year, the government intends to introduce 58 drafts for the parliament's discussion apart from those issues that the Parliament may choose to raise it.

Ospanov declared that the present parliamentary corps will not repeat the mistakes made in the past. Elaborating his point, he referred to the previous parliament as a legislative body which thought nothing about the state's priorities and only thought of taking more power. They did not do law making. How were they then justified to claim for authority and respect? Ospanov inquires. On the contrary, the Majlis will be allowed to engage in positive initiatives such as to draft regulations to discuss and to do legislation, he said. We will be working to find a common language and fulfill the duties instead of waving the red cloth to infuriate unnecessarily the raging bulls. The Speaker said, "We do not claim any special status. We are a state service just like other services, and that is why the deputies have voluntarily given up perks enjoyed by their predecessors." Ospanov pointed out that the Majlis will work with the Senate side by side. "We don't want to be drawn in us-against-them kind of match." He said the preference was to allow both houses to complete their prescribed term without conflict.

According to details and overall statistics issued by Kazakhstan's Election Commission; there are a total 107 members in the country's new parliament. These include 40 persons elected to Senate plus 67 who have won membership to the country's lower house of parliament otherwise the Majlis. According to the official sources 79.84 % votes were polled in the elections.

There are two seats in the Senate for each of the country's 19 oblasts. Seven other seats were filled by individuals nominated by President Nursultan Nazarbayev in late January, mostly legal experts to make up for the deficiency. Prior to that, the two senators from the legal profession were Chairman of Kustanai oblast's Bar Council, Sergei

Zhalibin and Public Prosecutor from Zhelezinsk district, Ermek Zhumabaev. According to political commentator Vera Avaliani there are fewer jurists but more people with the background in philosophy and sciences, in the Senate? The Senate was elected through indirect election in which 5314 out of 5669 members of Maslihat "local councils" from all districts of the country voted.

The number of members representing political and professional organizations represented in the Majlis is as follow: there are 24 members from Peoples Unity Party of Kazakhstan (PUPK), 12 from Democratic Party Kazakhstan (DPK), from Faqners Union 7, Federation of Trade Unions 5, Youth Unions 3, Enciphers Association 3, and Communist Party of Kazakhstan (CPK) 2, parties represented by one candidate in the Majlis are People Congress of Kazakhstan (PKK), People Cooperative Party (PCP), Kazakhstan Renaissance Party (KRP), Nevada- Semi Movement, Kazakhstan Advocates Union, Social Fund for Pours Welfare, Aktubinsk Workers Club and Kazakhstan Organisations Union. There are 14 presently categorized as independents. PUPK claims that three other independent candidates are their party affiliates, others to make similar claims. Thus, the Peoples Unity Party of Kazakhstan has emerged as the leading political party in both houses of the country's parliament as it has obtained 26 seats in the Majlis, and 14 seats are the Senate.

Among the 27 members from PUPK some have served in senior posts in the government like Deputy Minister for Housing and Construction Kobes Akylabaev, Chairman of Foreign Investment Committee Marat Ospanov and his deputy Myrzageldy Kemelov, Karatai Turysoy, Chairman national Committee on Tourism, Ludmila Zhuvanovna. They also include eight who held higher offices in regional administrations at district and oblast level. They are Maria Zhuriktaeva, Shahezat Turebaev, Rystey Zhumabekova, M. D. Kopiev, K. A. Ablyakimov, A. Y. Laurentov, Vasily Osipov and Vladimir Merenkov.

Kazakhstan held elections to the Senate "Majilis" on October 1, 2014. According to the Central Electoral Commission of Kazakhstan, it was "an open and democratic electoral process". About 250 observers from the CIS and the SCO were present for the

voting. Four women be amid the 80 candidates vie for the favor of the 16 open Senate seats the results to be announce on October 7, 2014.

By gender, there are 95 male and 12 female members of the two houses of the parliament. A notable feature is the surprisingly low level of interest shows by women, especially in the Senate election. It may be recall that all over the country, just four women submitted their papers for the Senate elections out of which Zaure Nurmukhanovna was elected as the lone female Senator of the country. She also happens to be one of the youngest senators with 33 years of age. In 1995, December 5 election, only one lady senator was elected. After the 31 January 1996, bye- elections, the Number of lady senators rose to four. In the Majlis, there are nine women. It is interesting to note that all three candidates elected from Akmola oblast are women and all of them conteste from various political platforms.

On the eve of Kazakhstan's election to the lower house in 1996, "Kazakhtanskaya Pravda" the official organ of the Cabinet of Ministers announced that the government has fulfilled its promise and has made all necessary preparation for holding elections, now the decision was in the hands of the people. The government was spending a huge amount of money. Much is at stake, said a senior official. The message was that it is up to the politicians and the electorate to express their will. The government's appeal to participate in electioneering was not responded warmly.

Reporting of election campaigning appeared in the country's press expressing dissatisfaction over the low level of political canvassers carried out by the candidates. "Electioneering did not heat up Campaigning Not Visible," Is it a silence before the storm? Asked the third this is how newspapers have commented on the election campaign in Kazakhstan.

It is not that the press is averse to the political process; there was so little activity to report about. Most parts of the disappointment felt at the official end was articulated by Yuri Kim, the at that time chairman of Kazakhstan's election commission. As the election date drew closer, Kim increasingly voiced his displeasure over the passive- if not

altogether indifferent – an attitude of the candidates. Kim said that the campaigning in the country failed to make the visible impact on the Masses. Talking to the media, Kim said that adequate funds were allocated from the state budget for each candidate to conduct his or her election campaigning throughout the official media. Every candidate could spend that for having 15 minutes time on television, ten-minute air time on radio and to publish 200 lines in a standard newspaper column. Kim, however, expressed his disappointment over the campaign conducted before polls. Expectations that the candidates will express themselves more rigorously shortly before the polls did not prove true. Kim was of the impression that in general candidates remained confounded in self-imposed restrictions themselves so as not to over-step any limitations. This is reflected by the low profile coverage to political issues. Not only the political contestants but even the analysts and commentators exercised self-constraint.

A survey poll released by Giller Institute just four days before Senate elections showed that for 61.3% respondents, it was a surprise to learn that the country's legislature will now be composed of two chambers.

In general the country's electorate did not display any noticeable activity during the pre-election campaign. One reason can be the lack of understanding about the changes that have been made in the composition of the legislature and how they can affect people's interests.

The state media dubbed the election; it's second in four years since independence as a legal exercise to form a professional parliament. Official sources reporting on the affiliation of the candidates highlighted the fact that out of total 285 candidates 128 were independents. At this stage of transition, said President Nazarbayev on Election Day, we chose to abandon the system of party lists. He drew attention to Russia's political situation and dubbed it as a matter of regret. In his view, "it is not good to create chaos in such difficult conditions." Reflecting on the Role expected from the legislature President Nazarbayev said that the parliament must not oppose but cooperate with the government that is drafting a legislative programme.

Reports about improprieties in the polling and ballot counting procedures during the December 9 elections to the Majlis appeared not only on the private media but notably on the official media too. "Khabar," the National Tele News Agency showed clippings from a press conference by K. Omarbekov who found that the names of all candidates except one were already crossed out as he went to cast his ballot in constituency No. 26, Karaganda oblast. The report carried a clip where Anatoly Antonov, representative of Socialist Party of Kazakhstan said that there have been violations of voter's right. The Imam of the Makanchinsk district's mosque was requested to lobby for Naubat Kaliev among local elders who regularly visit the mosque. Kaliev, director of Saipalatinsk's Pedagogy College, was the candidate backed by the regional administration. Independent Tele - Radio Company "M" operating from Kazakhstan's capital Almaty announced that it has collected visual evidence and surveyed neutral observers and voters and have compiled information on irregularities committed during elections. "I don't believe anybody about anything," said a respondent voicing distrust among voters. A voter interviewed on TV indifferently stated: "We do not bother about names or faces, as former communists we just follow instructions concerning whom to support." Another participant in the talk back programmed said that voters were completely unaware of who their candidates were. "Grey, faceless people, were fielded in the election," says philologist S. Gazizovna. The man on the street hardly knew who his candidate was and what his objectives were, she added.

In another programmed Inform-Bureau shown on the TV channel "Totem", a reporter visited those hospital wards where sick people including those seriously ill have reportedly casted their ballots. Among the patients interviewed a bedridden old lady said she did not have any idea who were the candidates or whom she voted for. "We were just asked to strike a list of names off the list." According to another report on TV 'M', observers said they felt as if the polling officers were not fully aware of the polling regulations more than ensuring that over 50% vote. Commenting on State Department's statement that the parliamentary elections constituted an important, if flawed, step forward in Kazakhstan's continuing journey towards democracy programmed host S. Duvanov said that how can we consider it to be a step towards democracy, rather, it is a

big step backwards. The programmed was conclude with the remarks that in these elections the regulations were not fully observed. The exercise to observe compliance with regulations was of decorative nature and, in fact, meaningless.

Election Commission of Kazakhstan announced that complaints concerning polling violations were filed from Semipalatinsk and Karaganda oblasts, etc. An Inquiry Commission was set up which thoroughly examined all such cases. Eventually, it was pointed out that those were isolated incidents that did not reflect the overall picture. The degree of candid coverage given to violations of regulations during elections may be interprets as an attempt to raise the question of parliament's legitimacy in future if the need might be. In his last press conference in the capacity of Chief Election Commissioner, Yuri Kim, said that the possibility of parliament's dissolution cannot be rule out altogether.

## Chapter - III

### Separation of Powers: Executive, Legislative and Judiciary

#### Conceptual Background of Separation of Powers

The theory of separation of powers enunciated is nothing more than a technique of organizing the government with a view to the prevention of the abuse of power, which is inevitable, when it concentrates in one individual or a group of individuals. The secret of the absolute and unlimited power exercised by the French Kings till the eve of the Revolution and by the British Kings before Glorious Revolution of 1688 lay in the union of the entire three powers such as executive, legislative and judiciary, in their hands.

Separation of power is a doctrine that political power is supposed to be divided among several bodies the same as a precaution against dictatorship. The doctrine might be traced out from ancient along with medieval theories of miscellaneous government. Whose argued so as to the procedure of government who supposed to involve the different component of society such as the monarchic, the aristocratic and democratic interest. This doctrine was opposing toward the absolute sovereignty of the Crown, Parliaments. However, the Separation of Powers was a most important scheme in medieval Europe beneath the name of the two swords. The majority of the scholars and policy makers decided that power be supposed to exist shared between the state as well as the church. Those who argued that the state was better to the church viewed that delightful was imaginary authority to be conferred on Kings through their coronation. Moreover the religious authorities maintain the supremacy to excommunicate kings like ensuing to King John of England. Those who argued that the church was better to the state had given details away Jesus' power to 'Render consequently unto Caesar the belongings which are Caesar's; as well as unto God the belongings that are God's. Therefore, near proximity to was a *de facto* separation of powers in the medieval Europe.

An early political philosopher recognized the need for division of governmental authority. The splitting of powers into deliberative, magisterial and judicial could be traced to Aristotle's politics although he did not consider any need for separation of



personnel. Polibius and Cicero discovered the system of check and balance which provided the constitutional superiority to Rome. In the middle Ages, the theory of separation of powers suffered almost total eclipse till it was rejuvenated in the 14<sup>th</sup> Century by Marsiglio of Padua who distinguished between the executive and legislative functions of government. Bodin in the 16<sup>th</sup> Century emphasized the need for separating the Judiciary from the control of the Prince. James Harrington and John Locke of England supported the idea of the separation of powers in the 17<sup>th</sup> Century.

The proposal revitalized in the 17<sup>th</sup> Centuries in response to the rehabilitated claims of divine right and absolute sovereignty (Hobbes). The word “Trias Politica” and the theory of “separation of powers” was coined via Charles-Louis de Secondat, baron de La Breda et de Montesquieu. An 18<sup>th</sup> Centuries French social and political philosopher, deriving the principle from Locke’s distinguished the power of government into the executive, the legislative and the federative. However the latter meaning external power, even though he did not intend towards be regarded as break up. In his view, the separation of executive and legislative powers are necessary “because it may be too great a temptation to human frailty, apt to grasp at power, for the same persons who have the power of making laws to have also in their hands the power to execute them” (A.Roy and M.Bhattacharya: 2013). He has in intelligence the British agreement when the executive was strained as of the legislature along with answerable towards it. Which is what one finds in the first paragraph of the long extract from the *Spirit of Laws* (1734) is careful one of the enormous workings within the past of political theory in addition to jurisprudence. It enthused the Declaration of the Rights of Man along with the Constitution of the United States, quoted above, Montesquieu built-up this keen on a complete theory of the separation of executive, legislative with judicial powers- forename which are current till do-day. As of here it approved to the US constitution as well as its justification into the *Federalist Papers*. He emphasizes that to mainly in point of fact uphold liberty; these all three powers have to be split and performing autonomously. Separation of powers, consequently, refers towards the dissection of government responsibilities keen on different branches to bind whichever one branch from work out the interior functions of anymore. The intention is towards putting a stop to the awareness of power also gives for checks and balances. The check and balances of US government

involved both the separation of powers among the executive (the presidency) branch is in charge for also executing manages the public policy perform and subsidize through the legislative branch. The legislative (the two domicile of the Congress themselves arranged toward check and balance one anymore) branch is in charge in favor of performing the laws of the state and appropriating the funds essential to function the government. The judiciary (the federal courts) branch is in charge in favor of understand the constitution and laws and be relevant their understanding to argument bring previous towards it, and separation between the federal government and the states.<sup>6</sup>

To quote Montesquieu, “when the legislative and executive powers are united in the same person, or in the same body of magistrates, there can be no liberty; because apprehensions may arise, lest the same monarch or senate should enact tyrannical laws to execute them in a tyrannical manner. Again, there is no liberty; if the judicial power is not separate from the legislative and executive. Were it joined on the legislative the life and liberty of the subject would be exposed to arbitrary control; for the judge would be then the legislator? Were it joined on the executive power, the judge might behave with violence and oppression. There would be an end of everything, were the same men or the same body, whether of the nobles or of the people, to exercise those there powers, that of enacting laws, of executing the public resolution’s, and of trying the causes of individuals”.<sup>7</sup>

According to Barker, the separation of powers as a “distinction of model of action”, aptly remarks that “we may find none of the organs so absolutely specialized in its mode of action, or so entirely in its province, that it cannot also act in the mode and enter the province of the others”.<sup>8</sup> Defender of separation of powers is adamant so as to it is desirable besides dictatorship, as well as the “tyranny of the majority”. Their challenger’s fight that sovereignty mainly laid anywhere, it is enhanced and debatably further democratic, to ensure so as to it for all time lies through the similar body such as like the Parliament.

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<sup>6</sup> Alaska: Alaska Legislature, *Separation of Powers*, [http://w3.legis.state.ak.us/docs/pdf/Separation\\_of\\_Powers.pdf](http://w3.legis.state.ak.us/docs/pdf/Separation_of_Powers.pdf)

<sup>7</sup> Montesquieu, *Spirit of the Laws*, Book XI, pp. 151-152

<sup>8</sup> Barker, *Principle of Social and Political Theory*, pp.259

Modern constitutional system shows an enormous multiplicity of the arrangement of the legislature, the executive, and the judicial procedure. Therefore, the doctrine has vanished greatly of its inflexibility along with dogmatic cleanliness. In the 20<sup>th</sup> Century, the particular ever since World War II, governmental involvement within a various piece of social and economic life has resulted in an improvement of the capacity of executive power. Various who fight the penalty of this for individual liberty contain preferential establishing funds of petition not in favor of the executive and administrative verdict. On behalf of example throughout an ombudsman, somewhat than effort towards reassert the doctrine of the separation of powers.

### **Separation of Powers in Kazakhstan**

The distribution of political power in Kazakhstan is similar to that in the United States. There are three branches of government: executive, legislative and judiciary. Each branch has equal freedom to act in the political process. The legislative branch is represented by Kazakhstan equivalent of the US congress. It creates new laws approved by votes of its members. The executive branch includes the president of the country, a prime minister, and a member of council of ministers, whose function is to implement new laws and to take care of every day's business. The Supreme Court is representative of the judicial branch. It controls, regulates, and mediates important decisions.

The principle of separation of powers as the basis of the functioning of Kazakhstan society and state is assigned in paragraph IV of Article 3 of the Constitution, which states that "State power in the Republic is one, according to the Constitution and laws in accordance with the principle of the separation of legislative, executive and judicial branches and interaction between them, using a system of checks and balances." Kazakh government system operates on the basis of the relative horizontal separation of powers with an external arbiter. According to paragraph III of Article 40 of the President of Republic ensures coordinated functioning of all branches of government and the responsibility of government to the people. Each branch in the country, having a certain set of responsibilities, is in accordance with the Basic Law under the supervision of the Head of the State in their adoption of critical decisions. The Parliament of the Republic of

Kazakhstan, as the highest legislative organ with limited powers, can only make laws – the laws, framework, establishing the legal framework regulation "comprehensive legislation", it means published on the issues that may be regulated solely by the Parliament, which enter into force only after signing the Head of State, which has veto power. All other issues are the so-called sphere of regulatory authorities. These are issued by acts of the President, the government and ministers. Judicial power is exercised on behalf of the Republic of Kazakhstan and is intended to protect the rights, freedoms and legitimate interests of citizens and organizations, ensuring compliance with the Constitution, laws and other legal acts, international treaties of the Republic. Executive power's organs monitor compliance with laws. They are engaged in administrative activities that are necessary for the Performing tasks publish regulations in pursuance of the law. Organs of Power The legislative power Parliament

The post-independence administration was structure by the 1993 constitution with a well-built executive parliament and judiciary. In practice, the administration of Nursultan Nazarbayev dominated the governance in the country after its independence.

### **The Executive Branch**

The constitution has dignified the increased power that President Nazarbayev unspecified in the lead the suspension of parliament in near the beginning 1995, furthermore, it constant the earlier constitutional meaning of Kazakhstan when a unitary state by means of a Presidential structure of government. The President is the premier state of the executive, in charge in favor of making the government-subject? towards parliamentary approval as well as all supplementary Republic representatives. The 1995 constitution long-drawn-out the President's powers towards initiate with veto legislation. The President has the powers headed for appointing the Council of Ministers, person in charge of a Prime Minister, along with various state groups. In October 1995, Nazarbayev himself unspecified the collection of the Ministry of National Security, however in near the beginning 1996, behind Nazarbayev had reorganized the government within October 1995, the Council of Ministers integrated the heads of twenty-one

ministries along with nine state committees, the Prime Minister worldly Akezhan Kazhegeldin.<sup>9</sup>

The new-fangled constitution does not endow with for the position of Vice President, however, it allowable the in office Vice President, Yerik Asanbayev headed for stay behind in office turn over 1996. The President has the supremacy to pronounce the state of emergency throughout which the Constitution preserves be balanced. The President is the supporter of legislation as well as the sponsor of the constitution along with of the appropriate performance of government, through the supremacy to claim superiority the pronouncement also proceedings of local authorities as well as councils. The merely reason on which a President preserve be there impassive are infirmity as well as treachery, moreover of which have to be set through a common of the combined Upper as well as Lower Houses of the new parliament. During the happening of such elimination on or after supremacy, the Prime Minister would revolve keen on the temporary President.

The president of Kazakhstan at this writing and the only one elected to this office since the country's independence in 1991- is Nursultan Nazarbayev. A product of the earlier communist political system, Nazarbayev has been active in politics since the late 1970s. a highly skilled politician, he was able to climb the communist party leader to its highest position in Kazakhstan. With independence, Nazarbayev used his experience and recognition to attract enough votes to be elected president. Soon he engineered a number of constitutional changes that resulted in the loss of many elements of traditional democracy. After changes to the constitution in 1993 and 1995, president Nazarbayev power was drastically expanded and that of the legislative branch was significantly reduced.

The president is both the head of the state and commander of the armed forces. He also has the power to block any of the parliament's legislation. The office of prime minister is secondary to that of president. Although the holder of this office is nominally

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<sup>9</sup> Glem E. Curtis., n.9, p.56

the head of government, the president holds the power and can override and decisions made by the prime minister. In 1999, Nazarbayev was reelected to the 7-year term as president, receiving 81 percent of the vote. Many foreign observers, however, called the election “well below acceptable international standard.”

In 2001, Nazarbayev’s son-in-law, Rakhat Aliev, was accused of financial misconduct in a governmental position, but he was never prosecuted instead, he was transferred to another position and workplace. Because of obvious corruption at the highest level, kazakhstan’s political and economical development has suffered greatly. The great hope of the country held by the so many people a decade earlier simply has not been fulfilled. Not only does president Nazarbayev maintain a tight grip on the country’s government, but his family members control many important industries, including banking, the oil industry, and the media.

The president is choosing by ballot by the popular vote for 5-year tenure; however, the prime minister along with first deputy prime minister is appointed by the president. In the Kazakhstan Prime Minister is the leader of the executive branch of government along with he is appointed by Kazakhstan President, through the authorization of Kazakhstan parliament. He seating the Cabinet, which, for the reason that of January 2006, consists of three Deputy Prime Ministers along with the Ministers of the fourteen State Ministries as well as the 5 Chairmen of the State activity. Council of Ministers is as well appointing by the president, however, President Nazarbayev extended his presidential powers through announcement merely he be able to begin constitutional amendments, assign along with release the government, fracture awake Parliament describe referendums at his prudence, furthermore assign administrative head of county as well as cities. The president is the chief of state; however, he as well is the commander in chief of the armed forces along with possibly will veto legislation so as to has be approved by the Parliament, furthermore, President Nursultan Nazarbayev, who have be in place of work for the reason that Kazakhstan turn out to be independent, win a new seven-year term in the 1999 election that the Organization for Security and Cooperation in Europe (OSCE) supposed cut down petite of international principles. A most important political adversary, former Prime Minister Akezhan Kazhegeldin was forbidden as of

administration beside the president for the reason that he had attended an illegal assembly of the association intended for liberated elections, however, on pinnacle of this the election be unconstitutionally entitle two years in front of agenda. In 2002, a law put very severe supplies for the preservation of officially permitted position of a political party, which inferior the numeral of legal parties as of 19 in 2002 to 8 in 2003. However, the prime minister, who hand out at the contentment of the president, chairs the Cabinet of Ministers as well as serve up as Kazakhstan's leader of the government. In attendance are three deputy prime ministers along with sixteen ministers in the Cabinet, furthermore, Karim Massimov turn out to be the Prime Minister in April 2014.

### **Constitutional Provisions Regarding the Kazakh President**

Section III of the Constitution of Kazakhstan elaborates the powers of the President. As per constitution, the President of the Republic shall be elected by universal, equal and direct suffrage under a secret ballot for a seven-year term. The President heads the executive branch of government. Nazarbayev was originally elected as President in 1991 for a seven-year term, and had his term extended to 2000, but in 1999 presidential elections, he was reelected for a seven year period to 2006 with 82 per cent of the total votes cast. In December 2005 presidential elections, he was again elected. A citizen of the Republic is eligible for the office of the President of the Republic of Kazakhstan, if he is by birth not younger than forty and has a perfect command of the state language - Kazakh, and has lived in Kazakhstan for not less than fifteen years. Regular elections of the President of the Republic are to be held on the first Sunday of the month of December and should not coincide with the election of a new Parliament of the Republic. The candidate who receives more than 50 per cent of the votes of the constituents that took part in the election shall be deemed elected. If none of the candidates receives the above number of votes, a second round of elections would be held between the two candidates who obtained the largest number of votes. The candidate who receives the larger number of votes of the people, who take part in the second round of elections, is deemed to have been elected.

According to Section III of the Constitution of Kazakhstan, the President of the Republic of Kazakhstan is the head of state; its highest official determining the main directions of the domestic and foreign policy of the state and representing Kazakhstan within the country and abroad. The President of the Republic is described as the symbol and guarantor of the unity of the people and the state power, inviolability of the Constitution, rights and freedoms of an individual and citizen. The President of the Republic is required to ensure by his arbitration concerted functioning of all branches of state power and responsibility of the institutions of power before the people.

The President has two important tasks: (I) To create new political institutions within the framework of the written constitution, adopted in 1993, then endorsed by referendum in 1995. The Cabinet is appointed by him and is responsible to him. His continuity in office has been essential to the continuity of policy and the political stability of the country. The system of government is Presidential and Republican in a secular state. The -strong executive has been the basis for social and political cohesion and one of the principal factors in Kazakhstan's socio-economic and political stability. (II) To create a new national identity and to produce social harmony and peace. Having over a hundred ethnic groups, there is a strong potential of social and political discord in Kazakhstan. The President has placed the highest priority on ethnic peace and reconciliation as he did in 1995, "at every opportunity I try to persuade every Kazakhstani that our main treasure during the recent past is social stability and the absence of inter-ethnic discord and bloodshed". He quotes the Kazakh proverb "Unity of power means to be on the eve of happiness."

The President of the Republic of Kazakhstan takes office after swearing to the people the oath: "I solemnly swear that I will faithfully serve the people of Kazakhstan, strictly observe the Constitution and the laws of the Republic of Kazakhstan, guarantee the rights and freedoms of the citizens, honestly perform the high duties of the President of the Republic of Kazakhstan entrusted to me." The oath is taken on the second Wednesday of the month of January in a ceremony in the presence of the deputies of Parliament, the members of the Constitutional Council, the judges of the Supreme Court



as well as all former Presidents of the Republic. As stipulated by Article 48 of the Constitution, the oath is to be taken within one month since taking the powers of the President of the Republic. The powers of the former President of the Republic terminate from the moment the newly elected President of the Republic takes office as well as in the case of premature release from office, resignation or death. All former Presidents of the Republic except those who were discharged from office would have the title of ex President of the Republic of Kazakhstan. The President of the Republic of Kazakhstan shall not have the right to be a deputy of a representative body, hold other paid offices and engage in entrepreneurial-activity.

### **Termination of the President**

The President of the Republic of Kazakhstan possibly will be ahead of time ousted as of the place of work in the case of his/her constant incapability toward executing duties owing toward infirmity. In this container, the Parliament shall appearance a Commission consisting of one and the same records of deputies beginning all Chambers along with consultant of the own region. The pronouncement of untimely upheaval base on the termination of the Commission as well as that of the Constitutional Council corroborate scrutiny of the recognized constitutional measures is to be adopting at a combined session of the Parliament through the preponderance of no less than three-fourths as of the entirety number of deputies of every Chamber.

The President of the Republic is in charge of the proceedings execute while work out his duties along with no more than in the container of far above the ground disloyalty might be emancipation as of office through Parliament. The pronouncement to carry a claim and perform its survey might be adopted through the preponderance of the deputies of the *Majilis* at the inventiveness of no not as much of as one-third of the entire number of its deputies. Survey of the charge shall be prearranged through the Senate as well as via the popular of votes of the overall number of the deputies of the Senate. Its effect is exchanged a few words are transferred designed for deliberation at a combined assembly of the Parliament. The issue is finally decide at a combined sitting of the Parliament

through the popular of no less than three-fourth of the overall number of the deputies of all Chamber, however make available the Supreme Court bring to a close the soundness of the indictment along with termination by the Constitutional Council that the well-known constitutional events were pragmatic. The breakdown to reach your destination at a final pronouncement surrounded by two months as of the moment of the charge would signify that the indictment beside the President of the Republic is abandoned. Denunciation of the assertion of the President of the Republic within perpetration of elevated disloyalty at some phase shall consequence in the untimely annihilation of the powers of the deputies of the Majilis, who commence the deliberation of this concern. The concern of emancipation of the President of the Republic as of office might not be initiated in the interlude while the President is taking into consideration precipitate extinction of the powers of the Parliament of the Republic.<sup>10</sup>

According to article 48, in container of precipitate liberate otherwise fulfill of the President of the Republic of Kazakhstan as of office as glowing as in case of his death, the powers of the President of the Republic shall be convey to the Chairperson of the Senate of the Parliament for the take it easy of the occupancy; stipulation the Chairperson of the Senate is powerless to presuppose the powers of the President they shall be conveyed to the Chairperson of the Majilis of the Parliament; if the Chairperson of the Majilis is not capable to presuppose the powers of the President they shall be conveyed to the Prime Minister of the Republic.<sup>11</sup> A person who has in use the power of the President of the Republic shall in the same method eradicate his powers of the Chairperson of the Senate, the Majilis, and the Prime Minister. In this case substantial of person's state positions shall be approved elsewhere in the order, stipulated as a result of the Constitution. However, a being that has full the powers of the President of the Republic of Kazakhstan, as per Paragraph 1 of the article 53, have veto exactly toward commence amendments along with embellishments to the Constitution of the Republic of Kazakhstan.

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<sup>10</sup> The Constitution of the Republic of Kazakhstan, Article 42. pp.13-14

<sup>11</sup> The Constitution of the Republic of Kazakhstan, Article 48,pp.15.16

## **Powers of the President**

The creation of the new system of government after independence in 1991 took place in three stages. Firstly, the Soviet era political system was disbanded within two years. Communist Party's dominance, the system of Soviets (representative bodies from the federal to the local level), and the Congress of People's Deputies were phased out. A second stage involved the implementation of a new constitution and a new system of government, which also took two years. A revised constitution was adopted in August 1995 and there were elections to the new Parliament in December 1995. In a referendum in April 1995 the President's term of office was extended to 2000. Subsequently, in 1999, he was re-elected for a term that was to run until 2006. The constitutional change in 1995 has strengthened Presidential powers. The third stage has been the period since August 1995 during which the new constitution has been in force. The 1995 Constitution is a long document with 98 articles. Section III of the constitution deals with the Presidency.

The President of Kazakhstan since independence has been Nursultan Nazarbayev. He demonstrated his statesmanship, determination and vision during this period, which witnessed the evolution of a Presidential democracy in Kazakhstan. Nazarbayev has been instrumental to provide political stability, social harmony and economic development. The President has expressed his commitment to develop free political institutions. Nazarbayev has a well set task before him to secure the territorial integrity, inviolability of the borders, and the sovereignty of the new state. This has been done with a proactive and peaceful foreign policy by establishing good relations with all neighbors. The government of Nursultan Nazarbayev has signed 350 treaties in the ten years since independence in 1991. Treaties have been signed with all neighboring states as well as with other states and also the European Union. Important agreements were signed with China in 1994 and 1996 delineating common order and regulating cross-border trade etc. Kazakhstan signed the Nuclear Test Ban Treaty in 1994 and closed its semi-nuclear base. There has been a very strong commitment to global and regional security.

- The President of the Republic of Kazakhstan makes an annual address to the people of Kazakhstan explaining the state of affairs in the country and main directions of the domestic and foreign policy of the Republic of Kazakhstan;

- The President has the powers to announce regular and extraordinary elections to the Parliament of the Republic, convene the First session of Parliament and accept the oath of its members to the people of Kazakhstan, call extraordinary joint sessions of the Chambers of Parliament, sign laws submitted by the Senate of Parliament within fifteen working days, promulgate the law or return the law or its separate articles for a second discussion and vote. Parliament is bicameral with a lower house, the Majilis, of 77 deputies, 67 of whom are elected by constituencies, and ten are drawn under proportional representation from party lists. Deputies have a five-year term. The Upper House is having 47 members. Forty members are elected on the basis of two from each oblast and big city. And there are seven members appointed by the President. Senate members have a six year term with half the membership retiring every three years. There is a built in system of checks and balances. Parliament has the power of approval over the government program, the budget, many appointments recommended by the President, and issues of war and peace. It can override the Presidential veto on legislation with a two-thirds majority; it can call for a referendum. A two thirds majority against the government program counts as a vote of no confidence in the government;

- The President appoints a Prime Minister of the Republic with the Parliament's consent. He has the powers to remove him from office; determine the structure of the Government of the Republic as proposed by the Prime Minister, appoint to and release from office its members, as well as form, abolish and reorganize central executive bodies of the Republic which are not included into the Government; accept the oath of the members of the Government; preside at the Meetings of the Government on important issues; charge the Government with bringing a bill into the Majilis of Parliament; annul or suspend completely or partially the effect of the Government's acts and those of the Akims of the oblasts, major cities and the capital.

- The President appoints the Prosecutor General and Chairperson of the (Committee of National Security of the Republic with the consent of the Senate of Parliament; removes them from office;

- The President appoints the Chairperson and two members of the Estimation Committee for control over implementation of the Republican Budget for a five year term;

- The President approves a unified system of financing and labor payment for all bodies financed by the state budget of the Republic at the proposal of the Prime Minister of the Republic;

- The President conducts negotiations and signs international treaties of the Republic; sign ratification instruments; receives letters of credentials and recall from diplomatic and other representatives of foreign states accredited to him.

- The President acts as the Commander-in-Chief of the Armed Forces of the Republic, appoints and replaces the highest command of the Armed Forces.

- The President gives away awards and state decorations of the Republic and confers honorary, highest military and other ranks, ranked positions, diplomatic ranks and qualification degrees;

- In the event of a serious and immediate threat to the democratic institutions of the Republic, its independence and territorial integrity, political stability of the Republic, security of its citizens and the disruption of normal functioning of the Constitutional bodies of the state caused by a state of emergency on the entire territory or in particular areas of Kazakhstan, the President in consultation with the Prime Minister and Chairpersons of the Parliamentary Chambers of the Republic takes measures, and immediately informs the Parliament of the use of the Armed Forces of the Republic.

The President of the Republic of Kazakhstan, on the basis of and with the exercise of the Constitution and the laws, issues decrees and resolutions, which are binding on the entire territory of the Republic. As provided in the sub-paragraph IV of Article 53 of the Constitution, the President of the Republic issues laws and in accordance with the provisions of the sub-paragraph II of Article 61 of the Constitution, the President or the Republic issues decrees having the force of laws in the Republic. The acts of Parliament signed by the President of the Republic as well as the acts of the President issued on the initiative of the Government are to be signed respectively by the Chairperson of each Parliament or the Prime Minister who is responsible for the legality of these acts. The President of the Republic of Kazakhstan, his honor and dignity shall be inviolable. Provisions, services, and guard of the President of the Republic and his family are borne by the state. This provision extends to ex-Presidents of the Republic as well.

The constitution increased the powers of President Nazarbayev after the dissolution of Parliament in early 1995. It continues with the previous constitutional definition of Kazakhstan as a unitary state with a Presidential form of government. The President is the highest state officer, responsible for naming the government-subject to Parliamentary approval-and all other Republican officials. The 1995 constitution expanded the President's power to introduce and veto legislation. The government appointed by the President comprises the Council of Ministers, headed by a Prime Minister, and several state committees. Nazarbayev reshuffled the government in October 1995, and in early 1996, the Council of Ministers included the heads of twenty-one ministries and nine state committees with the Prime Minister as its head namely Akezhan Kazhegeldin. In a reshuffle in October 1995, Nazarbayev himself assumed the portfolio of the Minister of National Security.

The new constitution does not provide for the position of Vice President, although it allowed the incumbent Vice President. The President has the power to declare states of emergency during which the constitution can be suspended. The President is the sponsor of legislation and the guarantor of the constitution and of the proper functioning of

government, with the power to override the decisions and actions of local authorities and councils.

### **Nursultan Nazarbayev as the President**

In December 1991, Nursultan Nazarbayev became the first elected President of Kazakhstan, for a five-year term of office, enjoying extensive personal powers which included the authority to appoint and dismiss officials at the all levels and to issue decrees counteracting laws passed by the Parliament. It was during the Soviet period that Nazarbayev had been appointed to the post of Chairman of the Council of Ministers (head of Government) of Kazakhstan in 1984, and subsequently to that of First Secretary of the Communist Party of Kazakhstan in 1989. He introduced political and administrative reforms in September 1989, including the introduction of extra-executive duties for the Chairman of the Supreme Soviet of Kazakhstan. He was duly elected to this post in February 1990, thus becoming, the *de facto* head of state. He was elected to the newly created post of President by the Supreme Soviet in April 1990. On 1 December 1991, he was the sole candidate in a general election to the Presidency, in which he secured the support of 98.8 per cent of the total votes cast.

In November 1993, President Nazarbayev announced plans for a reform of the Supreme Soviets, the legislative body that had been inherited from the Soviet period. He proposed that the number of seats should be halved from the current total of 360, and also that the new deputies should receive a salary and devote themselves full-time to Parliamentary work. The Supreme Soviets thereupon agreed to dissolve itself in December 1993, in preparation for elections to the new Parliament, and on 7 March 1994 elections to the new Parliament were held. Of the 177 seats in the new Parliament, 42 had to be chosen from a specially selected list of Presidential nominees. Deputies who were critical of government policies won only 23 seats. The ethnic mix of the new legislative body was tilted in favor of the Kazakh population, with some two thirds of the new deputies being drawn from the titular people, although within the population as a whole the Kazakhs represented less than half the total.

When the new Parliament was convened in April 1994, President Nazarbayev promised that more constitutional safeguards would be introduced. He indicated that there would be a clearer definition of the conditions under which the President could be impeached, or Parliament be dissolved. However, government strengthened its control on the state television and radio. A new decree was passed that gave the President the right to appoint the head of the organization for radio and television.

Centralization under the President is certainly a characteristic of the Kazakh system of government. The party system is developing slowly. The largest party is the Otan or Fatherland Party and then there are a number of smaller parties in a multi-party system. Control over the regions is provided by government appointed Akims or regional governors. Each of the 14 regions has an elected council. The emphasis has been on dynamic Presidential leadership necessitated by prolonged crisis management and on the need to push ahead rapidly with reform and restructuring. The President has constantly emphasized the need for unity, which is necessary for protecting the vital interests of Kazakhstan in its period of transition. With two powerful neighbors, Russia with a population of 150 million and China with a population of over 1.2 billion, and with powerful multinational corporations deeply involved in the economy of the country, Kazakhstan with its population of under 16 million inhabitants scattered across a vast area, requires strong leadership in keeping the country united and stable.

In March 1994, Kazakhstan held Parliamentary elections that created the first post-independence national Parliament (until that election, the republican Supreme Soviet deputies elected in 1989, despite its disbanding, remained in office). Seventy-two of the new 177 -member lower house were directly linked to the President, whose Union of Popular Unity (SNEK) won 30 seats, while candidates from a Presidential list filled forty-two of the seats.

The Constitutional Court ruled in March 1995 that the 1994 general elections that had created the Parliament were unconstitutional. In response, Parliament voted to



suspend the Constitutional Court. Within days, President Nazarbayev dissolved the Parliament, and ruled for the rest of 1995 by a Presidential decree. In March 1995, the President decreed several amendments purportedly "to strengthen the fight against organized crime," but actually to create additional legal safeguards to prevent organized opposition to the disbanding of Parliament. Among the amendments was one "outlawing any participation in an as yet unregistered public association (Article, 188) or an association that has been suspended or closed." Penalties included up to fifteen days, or fine of from five to ten times the minimum monthly wage. In another referendum in August 1995, 89 per cent of the total voters supported a draft constitution vastly expanding Presidential powers.

A legislation passed in June 2000 allows the President to maintain certain policy prerogatives and a seat on the National Security Council after he leaves office. The Constitution limits Parliament's powers by precluding it from appropriating state money or lowering taxes without the approval of the executive. However, Members of Parliament (MPs) have the right to introduce legislation, and some bills introduced by MPs have become laws. Parliamentary elections held in October 1999 were an improvement on the Presidential election.

The Committee for National Security (CNS) is responsible for national security, intelligence, and counterintelligence. The CNS also plays a law enforcement role in border security, internal security, and anti-terrorism efforts, and oversees the external intelligence service, Barlau. The chairman of the CNS reports directly to the President. The Ministry of Interior supervises the criminal police, who are poorly paid and are widely believed to be corrupt. The CNS continued efforts to improve its public image by focusing on fighting corruption, religious extremism, terrorism, illegal arms exports, and organized crime.

The Constitution also provides for the protection of the dignity of the President, and the law prohibits insulting the President and other officials. Media outlets generally practice self-censorship regarding information on the President and his family in order to

avoid possible legal action. Most newspapers in Kazakhstan did not present the ongoing story, widely reported in the western press, about alleged foreign investigations into possible illicit payments by a foreign businessman to President Nazarbayev and two former Prime Ministers.

However, media outlets freely published detailed reports 2000 on allegations against Rakhat Aliyev, the President's son-in-law, and first Deputy Chairman of the KNB. The Aliyev affair provided an opportunity for the public criticism of the President's immediate family. Aliyev filed libel lawsuits against Internews, the Globe, Novaya Gazyeta, Yevrasia Website, and Aziopa Website. A libel provision of the new Media Law, which was enacted on April 16, 2000, holds owners, editors, distributors, and journalists responsible for content and promotes self-censorship at each level. At times fines for violating the libel law were exorbitant which bankrupted small media outlets. Publishing houses, which also are responsible legally for the information that they publish, were reluctant to publish any "undesirable" stories. While these actions are not government initiated, they effectively limit the media's ability to publish strongly critical items.

On April 3, 2000 the Zhetisu District court of Almaty found Yermurat Bapi, editor-in-chief of SolDat newspaper and a member of the Executive Committee of the RNPK, and journalist Karishal Asanov guilty of libel for two articles printed in SolDat in 2000, which addressed corruption and the role of President Nazarbayev in the December 1986 student uprisings in Almaty. Bapi was found guilty of insulting the honor and dignity of the President (a criminal offence) and sentenced to one year in prison. However, the conviction fell under the purview of the general amnesty and Bapi did not serve his sentence. Bapi was forced to pay \$275 (40,000 Tenge) as the court costs and the press run of SolDat in which the articles appeared was destroyed.

## **The Legislative Branch**

The 1993 constitution created a unicameral parliament which is to substitute the 350 seat Supreme Soviet when the mandates of its deputies expired in 1995. The 199 parliament, which was composed of the former communists, was dissolved early under the pressure of President Nazarbayev in December 1993 in order to pave way for a smaller and presumably more flexible professional parliament. In the 1995 constitution, the parliament consisted of two houses, the Senate and the Majilis, both operating in continuous sessions. All the provinces of Kazakhstan and the city of Almaty, which have region status, have two Senators, chosen for four-year terms by joint sessions of the provincial legislative bodies. Additional seven senators were appointed directly by the President. In accumulation, ex-Presidents mechanically receive the status of senators-for-life. The Majilis had 67 representatives, including one from each of 55 districts having roughly one and the same populations, and the Senate has 40 seats. Throughout elections for half of the seats are held each two years. In the initial election under the fresh parliamentary structure, all the seats in both houses of parliament were contested in December 1995; runoff elections filled twenty-three seats in the Majilis for which the initial vote was inconclusive. The new parliament, which assembled in January 1996, built-in 68 Kazak and 31 Russian deputies, among whom only ten were women. The initiative for most legislative actions originated with the President. If a law passed by the parliament but faces the President's veto, a two-third vote of both houses is mandatory to overrule the veto. An alike margin is desirable to express no confidence in a Prime Minister, an achievement that necessitate the President to name a new Prime Minister and Council of Ministers.

The 1993 constitution created a unicameral Parliament, which was to replace the 350-member Supreme Soviet when their term expired in 1995. Composed mainly of career communists, the 1990 Parliament was a difficult partner in the task of economic and political reform. Nazarbayev pressured this Parliament into a "voluntary" early dissolution in December 1993 in order to allow the elections of a smaller and presumably more pliant "professional Parliament". In the 1995 constitution, the Parliament consists of

two houses, the Senate and the Majilis, both operating in continuous sessions. Each of Kazakhstan's fourteen provinces and the city of Almaty, which has province status, has two Senators, who are chosen for four-year terms by joint sessions of the provincial legislative body. A supplementary seven senators are selected directly by the President. In addition, ex-Presidents mechanically receive the status of senators-for-life. The Majilis has 67 legislative bodies, counting one from each of 55 districts drawn to have roughly the same populations, and the Senate has 40 seats. Through elections for semi the seats are held each two years. In the initial election under the fresh Parliamentary structure, all seats in both the houses of Parliament were contested in December 1995; runoff elections filled twenty-three seats in the Majilis for which the initial vote was inconclusive.

The new Parliament, which was seated in January 1996, built-in 68 Kazak and 31 Russian deputies; only ten deputies were women. The initiative for most legislative actions originates with the President. If Parliament passes a rule that the President vetoes, a 2/3 vote of together houses is requisite to overrule the veto. A parallel margin is desirable to articulate no confidence in a Prime Minister, an achievement that necessitate the President to name a new Prime Minister and Council of Ministers.

Legislative power in Kazakhstan is performed by the two chambers of Parliament. According to the Constitution of the Republic of Kazakhstan, passed on the republican referendum in August 30, 1995 the Parliament of two assembly room of the Republic of Kazakhstan is a high representative organ of the Republic, implementing legislative purpose. The association and bustle of the Parliament of the Republic of Kazakhstan, official situation of its deputies are indomitable by the Constitution, Constitutional Law Parliament of the Republic of Kazakhstan and status of its deputies and other legislative act. The powers that be of the Parliament commence since the moment of the opening of its first session and end with the beginning of the work of first session of the Parliament of the fresh convocation. The term of the Parliament powers that be is defined by the term of the Majilis deputies' authorities of the customary convocation. The earlier cessation of the Parliament powers that be can be only realized in the case and order

provided by the Constitution of the Republic of Kazakhstan. The Parliament consists of two assembly rooms: Senate and Majilis acting on a constant basis.

### **The Senate**

The Senate is formed by the deputies elected by twos from regions, city of the republican significance and capital of the Republic of Kazakhstan on a joint meeting of the deputies of all representative bodies according to the province, city of the republican significance and capital of the Republic. On the Seven deputies be nominated by the President of the Republic for the term of Senate authorities. The half of elected Senate deputies is reelected every three years. The term of power of the Senate deputies is six years. The Chairperson leading the Chamber is elected by the Senate from the number of deputies with fluent state language, and by the surreptitious voting mainstream from the total number of deputies of the Chamber. The application for the post of Senate Chairperson is assign by the President of the Republic of Kazakhstan. The total measure of the Senate deputies is 47 persons.

Exceptional powers of the Senate (Upper chamber of the Parliament): I. Election and give notice to upon the proposal of the President of the Republic of Kazakhstan of the Chairperson of the Supreme Court, judges of the Supreme Court and the captivating oath; II. Give permission and project by the President of the Republic of Kazakhstan the Chairperson of the National bank, General Prosecutor, Chairperson of the National security committee; III. Deprivation of the immunity of all-purpose Prosecutor, Chairperson and judges of the Supreme Court, Constitutional law and laws adoption during the provisional absence of Mazhilis resulted from the early termination of office, Implementation of other authority set by Constitution.

### **The Mazhilis**

Mazhilis deputies are elected on the basis of general, identical and through suffrage by secret vote. Deputy group of the Mazhilis is created by deputies elected by

the proportional and majority voted systems. Mazhilis of the Parliament of RK consists of one-hundred-seven deputies elected according to the Constitutional regulation. Deputy of the Parliament cannot be a associate of the both Chambers at one time. Term of bureau of the deputies of Mazhilis of Parliament is five years.

Exceptional powers of the Mazhilis (Lower chamber of the Parliament): I. Deliberation of the commence in the Parliament assignment of Constitutional laws and laws; II. By the majority of votes from the overall number of the deputies of the Chamber give consent to assignment of the Prime Minister of the Republic; III. Announce regular election of the President of the Republic; IV. Implementation of other powers according to the constitution

### **The Judicial System**

The judicial system is the least developed of Kazakhstan's three branches of government. Although Minister of Justice, Nagashibay Shaykenov purpose vigorously, the constitution preserve the provision and practice of Presidential appointment of all judges in the republic. Whereas, the 1993 constitution particular terms of service for judges, the 1995 document made no mention of length of service, suggesting that judges would serve at the discretion of the President pleasure.

Under the constitution of 1993, lines of judicial authority were inadequately define, in division for the reason that the republic had three highest courts the Supreme Court, the State Arbitrate Court, and the Constitutional Court employing a total of 66 senior judges. Numerous of these senior judges, as well as numerous judges in lower courts had been preserving from the Soviet era, while the judicial branch was completely in the control of the central government. The 1995 constitution create no provision for the State Arbitrate Court Provisions for the new judiciary clearly subordinate all other courts to the Supreme Court, which moreover has a consultative role in appointing senior judges. Ministers are not allowed to sit in Parliament as is the case in the US system of

government. They are responsible to the Prime Minister. If they do not agree with government policy they are bound to resign under article 68 of the Constitution.

According to the Constitution, the President proposes to the Upper House of Parliament (the Senate) nominees for the Supreme Court. Particularly candidate are suggested by the Supreme Judicial Council which consist of the Chairperson of the Constitutional Council, the Chairperson of the Supreme Court, the Prosecutor General, the Minister of Justice, Senators, judges, and added personnel appointed by the President. The President appoints *oblast* judges (nominated by the Supreme Judicial Council) and local level judges from a list presented by the Ministry of Justice. The record is based on suggestion from the Qualification Collegiums of Justice, an institution made up of deputies from the Lower House of Parliament (the *Majilis*), judges, public prosecutors, official expert, and Ministry of Justice administrator.

The President appoints the Collegiums' Chairman. Under the law, judges are appointed for life, although in practice this means until the mandatory retirement age of 65 years. Under a 1995 Presidential report, the President may eradicate judges, excluding associate of the Supreme Court or chairmen of judicial collegiate, on the suggestion of the Minister of Justice. The Minister's suggestion must be maintained on findings by either the Supreme Judicial Council or the Qualification Collegiums of Justice that the judge unsuccessful to, or was no longer accomplished of, performing his obligation. The President can appeal, based upon suggestion from the Supreme Judicial Council that the Senate eliminate associate of the Supreme Court or chairpersons of Judicial Collegiums, which are judicial councils that judges serve on at the rural, urban, *oblast* and Supreme Court stage.

The Constitution abolished the Constitutional Court and established Constitutional Council in 1995. The Council makes rules on election and referendum tolerates, interprets the Constitution, and verifies the constitutionality of laws adopted by Parliament. The President straight appoints three of its seven members, as well as the Chairman, and has the perfect to veto the Council opinion. The Council may capsize a

Presidential veto if at least two-thirds (five) of its members vote to do so. Consequently, at least single Presidential appointee must vote to overturn the President's veto in order for the Council to overrule the President. Citizens do not contain the precise to demand to the Council regarding the constitutionality of government procedures, while they were tolerable to build such appeals to the former Constitutional Court. Under the Constitution, “only the President, Chairperson of the Senate, Chairperson of the *Majilis*, Prime Minister, one-fifth of the members of Parliament, or a Court of Law may petition to the Constitutional Council”. The Constitution states that a court shall petition to the Council if it "finds that a law or other regulatory legal act subject to application undermined the rights and liberties of an individual and a citizen." The Constitution and the law set up the necessary procedures for a fair trial. Trials are public with the exception of instances in which an open hearing could result in state secrets being made acknowledged, or when the personal life or individual family concerns of a citizen must be cosseted. If a defendant cannot give an Attorney, the Constitution rules that the Government must provide one free of charge.

According to the Constitution, defendants have the right to be contemporary, the right to encourage, and the right to be heard in court and call witnesses for the defense. Defendants enjoy a presumption of blamelessness, are sheltered from self-incrimination, and have the right to petition against a judgment to a higher court. Legal procedures are performing in the state language, Kazakh, although Russian may also be used officially in the courts. Procedures also may be detained in the language of the majority of the population in a particular area.

The concentration of powers in the presidency, the presence in the Parliament of powerful, regime-connected financial benefit, and the incidence of individual backing over formal rules have contributed to the continuing subordination of the judiciary to political interests. Kazakhstan's judicial system has deficit of its credibility by acting in full compliance with the regime's interests rather than stepping in to protect civil liberties.



The local courts have been accused of many procedural and politically motivated charges. Though Kazakhstan has revoked the death punishment, it has not passed an amended Law on Life prison term. The Supreme Court has reject to assess the case against a prominent opposition leader Ghalymzhan Zhakiyanov, who leftovers in jail since April 2003 on politically motivated charges of corruption despite serious allegations of torture.

Topical "Colour Revolutions" in the former Soviet republics of Georgia, Ukraine, and Kyrgyzstan have invigorated the opposition and civil society. There has been speculation of discord within the regime between Nazarbayev and the *Asar* party of his daughter Dariga Nazarbayeva and her husband, Rakhat Aliev, between *Otan* and the *Civil Party*, and between the two sons-in-law of Nazarbayev. These growing signs of competition and discord among pro-regime groups as well as within the Presidential ancestors, probable defections of some structure acquaintances to the opposition and the uprising in Kyrgyzstan have the potential to unite the opposition for putting up a common front against President Nazarbayev and his regime.

Justice in the Republic of Kazakhstan is exercised only through the court. The judicial structure in the Republic consists of the Supreme Court Republic of Kazakhstan, the uppermost judicial corpse, and regional, district, town, and city courts (Art.75). The Supreme Court of the Republic of Kazakhstan shall be the highest judicial body for civil, criminal and additional cases which are beneath the courts of general jurisdiction; exercises the supervision over their activities in the forms of juridical procedure set by law, and gives interpretation on the issues concern of judicial practice.

The chairman of the Supreme Court is the judge and is appointed to the post by the President with the consent of the Senate of Parliament of the Republic of Kazakhstan. Independence of the judicial power in Kazakhstan completely based on the Constitution and the Constitutional Law name on courts and the standing of judges, and the sponsor of the constitution is the President. Though, the theory of separation of the system does not assume creation of "the Chinese wall" between various branches of the dominance. That

is also not possible; as their communication and interdependence are the questions of uniform institutes and the government shall be necessarily differentiated from its twigs, create an interlacing of some prerequisites.

The general meaning of the modern legal doctrine are the connection of ideas of unity and division of the system, their exchanges and structure of controls and compensate. Such sympathetic are imitate in the latest constitutions. The most characteristic face is the point 4 of article 3 of the Constitution of Republic Kazakhstan of 1995 which says: "the Government in Republic Kazakhstan is consistent, is obtain out on the basis of the Constitution and laws according to a principle of its division into legislative, executive and judicial twigs and their interactions among themselves with use of system of controls and counterbalances".

Basically the Kazakhstan's and English models of the judicial power are very difficult to compare moreover they are based on various official foundations. English scheme of the Right is stand on judicial precedent and actually courts of England build laws. In Kazakhstan the scheme is stand on the code scheme of the right, such like the constitution, the constitutional regulation, codes etc., and the Kazakhstan courts during contrast to English courts do not have the legislative initiative. It is believed that the judicial power is the weakest branch and it does not lean against wish of voters as the legislature, has no authority for coercion as the Executive. The strength of the judicial power is in admiration from the civilized society to the right and court. Here again we can see substantial characteristic. However, in the numbers were in the associations of additional branches of the power both judicial in England and Kazakhstan.

The execution institute of court decisions in England is so accurate also punishment for default so serious, that the practical excludes concept default of the decision of court and assertion with what, the right of the judicial power is unquestionable. Since independence Kazakhstan has undertaken huge efforts for a rising of courts power, though dishonesty and a belief of the telephone right create for this purpose very big obstacles. Also I would like to stop in detail on the status English of

judges put in English law. According to this law judge are selected for life. In Kazakhstan the parallel norm, rule of the law does not live. And even though the legal judge is selected to the post and dismissed by the President of Republic, the nonflexible scheme of firmness of activity of the judges allow to the chairman of courts easily.

## **Local Government**

Kazakhstan is divided into fourteen provinces, and the city of Almaty has administrative status equal to that of a province. In sum, the provinces are divided into regions that consist of a number of settlement points. Each province or region and most settlements have their own elected councils, entrusted with making a budget and supervising local taxation collections. Cities have their own local councils as well, and enormous cities are separated into province, each having its own council.

The local legislatures lack the authority to choose the local executives, who are directly appointed by the President. The duty of a local executive is to ensure the enforcement of the decisions of the national government proper observance of the constitution. Provincial and regional heads of government recognized by the Russian term *glavanized* or the Kazakh term *Hakim* is Presidential appointees. The Hakim, in revolve; select the members of his employees, who function as departmental heads. The Hakim also can reverse budgetary decisions of the local councils.

There has been substantial pressure, particularly in the primarily Russian north, to alter the nature of the post the Hakim making it elective rather than appointment by the Presidential. The 1995 constitution provides that only the local councils have the capacity to express no confidence in their Hakim by a two-thirds vote. The President has the power to override or revoke such decisions taken by local councils.

## **Structure of the Government in Kazakhstan**

Renovation era of Kazakhstan's political system commences right away following achieving independence. Change to democracy begin beneath complicated circumstances

such as the country was after that knowledge socio-economic catastrophe owing to refuse in industrial as well as agricultural manufacture, hyperinflation like up to 3,000 per cent, along with radical refuse in livelihood values. After the disintegrated of the Soviet Union, however, the former Soviet states knowledgeable a catastrophe state of affairs and there was no political pluralism, multi-party structure, and autonomous mass media along with NGOs in the nation. There was no previously evolved democratic civilization as well as institutions, along with the structure of government in Kazakhstan at that time passed through three stages:

### **First Phase from 1990-93**

The introduction of the post of President (in the beginning as Head of State) led to the redistribution of the authority of power between the Supreme Soviet and the President in relation to the higher executive and administrative organ the Council of Ministers. As per the constitution: (a) The Supreme Soviet lost its power to appoint the Chairman of the Council of Ministers and its members. (b) The President received the power to form and dissolve the Council of Ministers and State Committees, earlier vested with the Supreme Soviet. (c) The President was vested by the authority toward change acts concerning the organs of the state administration where USSR and Kazakh constitution and laws show a contradiction.<sup>12</sup> Thus, the President wielded all real levers of influencing the formation and functioning of the central executive power. However, in the early period of existence of the post of the President, the responsibilities of the government before the Supreme Soviet are preserved on a priority basis. The Council of Ministers was required to prepare and present an annual report of its work to the Supreme Soviet and also keep the President updated about it.

The practice of the institution of the resignation of the government appeared in the Constitution of Kazakhstan. The President is supposed to place before the Supreme Soviet the issue of resignation. Besides, the Supreme Soviet acquired the right to express no confidence in the government at its initiative, which must follow by its resignation.

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<sup>12</sup> D.Galyamova., "Division of Powers in Kazakhstan: Constitutional Experience of Independent Development", Contemporary Central Asia: December, 1998, Vol.11-no-3

Now the question that arose was not about the abolition of the authority of the executive power to terminate the Council of Ministers after the expiry of its term as laid down in the basic law in the constitution of 1977, but also about the possibility of the resignation of the Council of Ministers before the expiry of its tenure. With the passage of time, it was understood that the Supreme Soviet could on its initiative take a decision on the resignation of the Council of Ministers on the suggestion of the President. The issue of resignation was to be decided by not less than 2/3 popular of the sum strength of the Supreme Soviet.<sup>13</sup>

It is noteworthy that the rationalization of the transitional system of government found its expression in President's relationship with the government and as well as in the direct election of the President. The election for the post of President of the Republic held at the end of 1991 on the foundation of equivalent general along with through suffrage enabled the process of acquisition of greater independence of executive power represented by the President. The legitimacy of President's power was determined not by the parliament but by 98.78 percent of the voters. It may be observing that the Presidential election of 1991 was held before the expiry of the term of the President ignoring the law on the establishment of the post of the President. Subsequent alterations and additions to the Constitution of the Kazakh SSR had laid down that the first President of the Republic was to be elected through the Supreme Soviet for six years. Many positions established by the constitution of 1977 were preserving. One of the important principles of parliamentary system – the responsibility of the government to the parliament - remained in operation, though it was amended into dual responsibility and accountability. The Council of Ministers was responsible and accountable to the Supreme Soviet and the President. At the same time, the provision for confirmation by the Supreme Soviet of the head of the government and its members also persisted.

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<sup>13</sup> Zakon Kazakhskoi SSR “O vnesenii izmenenii i dopolnenii v konstitutsiya (Osnovnoi Zakon) Kazakhskoi SSR” at iyunia 1991, p.23

## **Second Phase from mid-1993-95**

The constitution of 1993 brought about substantial changes in the legal basis of the executive power in Kazakhstan in comparison through the 1977 Constitution of the Republic, however, Firstly, the 1993 constitution defined the executive power as an independent organ of the state power. Secondly, the concept of a unified system of executive power was introduced; and thirdly, changes were brought into the procedure for the formation of the government. Approval of the Supreme Soviet was now considered necessary for the appointment of Prime Minister through the President as also on behalf of the appointment to key executive positions like, the Ministers for External Affairs, Defense, Finance, Internal Affairs and Chairman of the Committee for National Security (CNS). However, the approval through legislative organ for appointment to other posts in the government was not required. Fourthly, the responsibility of the executive power to the Supreme Soviet was substantially changed as well as the cabinets of ministers are made in charge towards the President. Their responsibilities to the Supreme Soviet are convened to matters related to law implementation.<sup>14</sup>

The role of the parliament in the resignation of the government was reducing to the minimum. It was laid down that the Supreme Soviet could place before the President the matter of removal of a associate of the Council of Ministers earlier than expiry of his term only in the case of infringement of the constitution along with the law of the land. Lying, on the whole, the minister was responsible to the head of the state, for example, the President. Therefore, the 1993 constitution ultimately strengthened the Presidential powers by its sheer ambiguity of the demarcation of power between the President and the executive. President's position simultaneously signifies the strengthening of the executive power and vice versa. Besides, the executive power is further gathered strength due to the low effectiveness of the activities of the legislative and judicial organs and weakness of the political parties. Incorporation of the provision for introduction of a state of

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<sup>14</sup> D.Galyamova., "Division of Powers in Kazakhstan: Constitutional Experience of Independent Development", Contemporary Central Asia: December, 1998, Vol.11-no-3

emergency (the basic law of 1993 gives this power to the head of state) into the constitution also testifies to the strengthening of the executive power of the President.<sup>15</sup>

The position of the Prime Minister found a place in the constitution in November 1990, when the post of the Prime Minister was created with the President, as head of the higher executive and executive rule. Though, the constitution did not pronounce something further about the regulation of their mutual relations as the constitution of 1993 did not clarify the mutual relationships of the President and the Prime Minister. It only mentioned that the President is the chief of the state along with the combined structure of governmental rule. On the Prime Minister, it affirmed that he directly supervises the activities of the Council of Ministers.<sup>16</sup>

The structure of the division of power thus established in Kazakhstan suffered from several inadequacies typical under conditions of nascent democracy. The problems are further aggravated due to the absence of mechanism in the constitution of 1993 for the resolution of conflict between the two branches of power. The Supreme Soviet had the power to remove the head of the executive power, and the President had the power to dissolve the parliament. In practice, the prevailing conditions led to tensions between the executive and the legislative powers. The parliamentary crises are accompanied by the resignation of the government that contained the potential of a crisis for the executive power. All the factors created a real threat of destabilization inside the political system, and finally leading to a constitutional crisis. At this critical juncture the work on formulation of a new constitution began.<sup>17</sup>

### **Third Phase since mid-1995**

In concurrence through the 1995 Kazakh constitution, the government schedules the executive power, and the government is led by the Prime Minister, the deputy ministers, heads of the government departments, ministers as well as Chairman of state committees. According to Act 166 of the Kazakh constitution (1995), the administration

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<sup>15</sup> Ibid., p.28

<sup>16</sup> Osnovnoi Zakon, Konstitutsia Respubliki Kazakhstan, 28 January 1993

<sup>17</sup> D.Galyamova., "Division of Powers in Kazakhstan: Constitutional Experience of Independent Development", Contemporary Central Asia: December, 1998, Vol.11-no-3

workings out the essential socio-economic guidelines of the state guiding principle, its defense attentiveness with security, make certain social order as well as organizes their accomplishment. The administration current state financial plan towards the parliament and its duty includes seeing the realization of the budget. Amongst further actions execute through the government talk about might be through of board laws in the Majilis (Parliament) along with association of administration of state possessions, operational out procedures on behalf of behavior foreign policy; conduct the actions of the ministers, state committees, further central. In addition to local executive organs, observance vigilance on the measures of the ministers along with state committees as well as on further central also local decision-making organs of the Republic, appointment and removal of the heads of the central executive organs not structure part of the government be noteworthy. In a word, the government is legally responsible towards setting free purpose command to it through the Constitution, laws as well as acts of the President.<sup>18</sup>

In May 1995, Nazarbayev ordered the establishment of a Special Council to prepare a new Constitution. The 148-article drafts Constitution are placed for nation-wide discussion. An amended summary was available in early August 1995 along with was accepted through 89.1 percent of the electorate in a referendum on 30 August 1995, however, the new constitution conserved the extensive executive powers of the President, in addition, to also abolish the post of Vice President. The Supreme Kings was put back through a bicameral Parliament, include a 47 member Senate (the Upper Chamber with 40 members elected by Kazakhstan's local executive bodies with seven appointed via the President), and furthermore 67 directly elected members of *Majilis* (Assembly). The Constitutional Court was put back through a Constitutional Council, whose decision is subject matter to a Presidential right of veto, along with the Constitution keep hold of Kazakh as the state language other than certain free growth for every further language, creation Russian in practice the language of inter-ethnic communiqué.

Despite the enough power concerning the execution of the executive power, the government is enormously needy on the President. A number of instrument are built-in in

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<sup>18</sup> D.Galyamova., "Division of Powers in Kazakhstan: Constitutional Experience of Independent Development", Contemporary Central Asia: December, 1998, Vol.11-no-3



the constitution throughout which the President is in a place not merely to appearance the government in the method he think well other than also to pressure its day to day purpose : “According to the constitution the President of Kazakhstan creature the head of the state, leftovers the key in shape to which all executive powers be subordinate; The President, with the permission of the parliament, assign the Prime Minister; take away him as of his position; resolve the formation of Government on the proposal of the Prime Minister, appoints along with come to an end as of the post every its members along with every entail towards a far above the ground degree of individual pressure of President on the masterpiece of the administration. In all-purpose, the level of partaking of the President in the administration structure in Kazakhstan is contrasting with the privilege of the President of the Russian Federation in observing to administration structure. Questions related to the resignation of the government are regulated by the constitution in such a fashion that the government or its individual members can relinquish office only when it was sanctioned by the President. Resident’s power in taking a decision about the resignation of the government is not limited by any provision whatsoever. The strong dependence of the government on the President follows are from the fact that the decisions and acts of the government can be altered or stopped by the President in full or in part if he views them posting contradiction with the constitution, legislative acts or Presidential decrees and order. The subordinate characters of the government before the President are manifested in the fact that the government's powers are terminated before the newly elected President. This provides an opportunity for the next President to appoint a new government.”<sup>19</sup>

The correlation in the system of state power is distinctive in such as the way in the Constitution of the Republic of Kazakhstan that the executive power is self-determining of legislative power, and the latter is comparatively weaker. In accord with Article 53 of the Constitution, Furthermore, the condition for the consent of the President to the appointment of the head of the government curtails the jurisdiction of the Parliament. The Parliament can reject the candidate proposed by the President but if this happens twice the President holds the power to appoint a person of his choice as head of the

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<sup>19</sup> D.Galyamova., “Division of Powers in Kazakhstan: Constitutional Experience of Independent Development”, Contemporary Central Asia: December, 1998, Vol.11-no-3

government. The parliament faces the risk of dissolution and new elections in case it tries to obstruct the President for the third time.<sup>20</sup>

The Parliament can express its lack of confidence in the government through a No-Confidence Motion in two cases such as like when an outline law introduced through the government gets rejected; the Prime Minister has the right towards elevating the question of assurance in his administration through proposing it for the second time. The second instance of the no-confidence motion occurs in the case when the Parliament expresses its rejection twice to a government's proposal by a two-third majority in the house. In the event of a No-Confidence vote, the government is bound to place before the President of the Republic its resignation. The President has ten days time to pronounce the decision of either accepting the resignation of the government or dissolve the Parliament. The fact remains that the parliament's role deciding the question of confidence in the government is *de jure* while the President acts as the *de facto* arbitrator. If the Parliament expresses its lack of confidence in the government, it hands over its fate to the President by doing so. The Parliament decides the question of its agreement or disagreement with the President over the issue of the appointment of the Prime Minister.<sup>21</sup>

Parliamentary control appears in the Constitution indirectly through Articles 53, 54 and 57, where it was laid down that the Parliament appoints an Accounts Committee for a term of five years with six members for implementation of the budget; confirms the budget along with information on the administration as well as the Accounts Committee; makes alterations also additions in the budget and levies and changes the state taxes and revenues.

The Parliament, in reality, has very limited powers on framing the budget. According to Article 61 of the constitution, all draft legislations concerning decrease of state revenues otherwise add to in government expenditure should be introduced in the

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<sup>20</sup> Osnovnoi Zakon, Konstitutsia Respubliki Kazakhstan, 28 January 1993

<sup>21</sup> D.Galyamova., "Division of Powers in Kazakhstan: Constitutional Experience of Independent Development", Contemporary Central Asia: December, 1998, Vol.11-no-3

Parliament by the government alone. In October 1998, several alterations and additions were made in the constitution of the Republic of Kazakhstan, however, Firstly, the powers of Parliament in relation towards the government were enhanced. In case members of the Parliament were to demand that a member of the government be relieved of his post, the President has to either take a definite decision over it or if the President turns down the demand of the members of the Parliament for removal of a member of the government, they can repeat the same demand after a period of six months. Such a demand is constitutionally valid if it is supported by two-third members of the Parliament. In such a case, the President is bound to relieve the member of his post. Secondly, changes were also introduced in the mutual relations of the Parliament and the President. The Parliament earlier had the right to propose to the President any changes in the constitution and the President could agree or disagree with such a proposal. If the President disagrees with the changes proposed by a four-fifth majority in each house of the Parliament, he can ask for a referendum. Thirdly, Changes have also been introduced relating to the status of the President. The exercise of the Presidential powers could be temporarily transferred to the Chairman of the Upper House of the Parliament (CUHP), the Senate, and in event of inability of the Chairman of the Senate to accept presidential responsibility, to the Prime Minister. So these powers can be temporarily exercised in the following order such as the Chairman of the Senate, the Chairman of the Lower House of the Parliament, the Majilis as well as the Prime Minister. Thus, changes in the basic law of the circumstances demonstrate a weakened position of the executive through a reallocation of its powers to the legislature and the President. However, the President continues to possess enormous powers to influence the legislative and executive power. A strong Presidency has been useful for effective governance and social and ethnic stability in Kazakhstan during its transition period.<sup>22</sup>

Kazakhstan, like other Soviet Republics, had a high concentration of power in the hands of the party nomenclature during the Soviet period. As such the Republic of Kazakhstan, like other post-Soviet Republics, preferred a unitary Presidential ruling. After the disintegrate off the Soviet Union, the First Secretary of the Central Committee

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<sup>22</sup> D.Galyamova., "Division of Powers in Kazakhstan: Constitutional Experience of Independent Development", Contemporary Central Asia: December, 1998, Vol.11-no-3

of Kazakhstan's Communist Party (CCKCP) Nursultan Nazarbayev unconsciously happen to President of the Republic of Kazakhstan, along with the KCPCC got the position of the Presidential supervision.<sup>23</sup>

The first knowledge of power concentration was acquired through the Soviet Party formation in the Soviet Union Supreme Council (SUSC) from 1989 to 1991. At that time Nursultan Nazarbayev, Suleimenov along with other KCP delegates give up Mikhail Gorbachev as well as the former Soviet Union. At the referendum detained in April 1991, 85 percent of Kazakh people voted for the conservation of the afterward Soviet Union. Nothing of the decision political privileged card pro-Kazakhstan's authentic autonomy. Whereas the Kyrgyz President Askar Akaev openly hold up Boris Yeltsin, the political privileged of Kazakhstan reserved quiet pending Yeltsin as well as his supporters in Russia, nearly all of them Muscovites, knock down the Soviet Union along with decided de facto sovereignty towards Kazakhstan as well as further Soviet republics. The procedure of structure up nationwide statehood leads to the institution of a Unitary Presidential Democracy in Kazakhstan conquered through the executive branch of the administration. The initial Constitution of sovereign Kazakhstan of January 1993 vested President with enormous the system, however, in April 1993, President Nazarbayev approach up through his policy of political as well as economic growth of the nation up to the year 2005.

The future of Kazakhstan is unimaginable without the organization of delegate authority, along with first along with leading to the Kazakh Parliament. The nation has not laid the foundation for an authentically independent rule of the citizens along with through the citizens that might contain its long-term feasibility on behalf of the advantage of the state as well as its citizens. The present structure of authority along with the political privileged is the main obstruction on the method to autonomous modification; the judicious and equitable redistribution of power from the President to elected representatives at local, regional and national level will treat the country of any malfunctioning. However, the attentiveness of authority in the give of a knowledgeable statesman with officer like Nazarbayev throughout the dangerous years of change have

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<sup>23</sup> Osnovnoi Zakon, Konstitutsia Respubliki Kazakhstan, 28 January 1993

demonstrate worthwhile pro Kazakhstan which have endure the complexity in its economic as well as socio- political turmoil.

The Council of Ministers movements the administrative power of the Republic along with is in charge to the President of the Republic, however, the Local state government is work out through local delegate as well as executive body, in charge on behalf of the state of affairs lying within their own province. The local delegate's body, the councils (*Maslikhat*) articulates the determination of the citizens of the subsequent executive province. Councils are electing for five-years by a secret ballot on the foundation of equivalent as well as straight suffrage. The local decision-making bodies are part of the united structure of decision-making body along with are headed through the Hakims of the matching executive/protective component, who act as the representatives of the President of the Republic of Kazakhstan.<sup>24</sup> The judicial authority in the state is sovereign as well as subject merely to the Constitution and laws of the Republic of Kazakhstan; however, the judicial power is exercised through the Constitutional Court, the Supreme Court as well as the Higher Arbitration Court of the nation. The judges for these courts are designating on behalf of a term of ten years.<sup>25</sup> The judiciary stays behind beneath the manager of the President along with decision-making branch, as well as dishonesty stay behind systemic. The Committee for National Security (CNS) is in charge on behalf of national security, intelligence, as well as counter-intelligence, and the Ministry of Internal Affairs oversees the police force, furthermore, Civilian powers that be preserve successful be in charge of the protection armed forces.

The first Constitution of independent Kazakhstan take on in January 1993 is to a few extends cooperation amid the old as well as new political structure. It is on the attempt to introduce a Western democratic model into the Post-Soviet context. As a consequence of the Referendum held on 30 August 1995, a new Constitution of the Republic of Kazakhstan (CRK) was adopted, eradicate the limitation of the preceding Constitution, however, the new-fangled Constitution recognized a Presidential Republic of Kazakhstan, as well as solved reasonably the difficulty of alienated farm duties among

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<sup>24</sup> The Constitution of Republic of Kazakhstan, Article 92

<sup>25</sup> The Constitution of Republic of Kazakhstan, Article 100

dissimilar branches of power, at the same time hospitable change to the marketplace scheme. During October 1997, President Nazarbayev talks to the citizens of Kazakhstan with a memorandum fundamental the 'Country Development Strategy till 2030',<sup>26</sup> furthermore, this strategy analyses the modern the past of sovereign Kazakhstan as well as sets out the chief push of the country's growth for the coming 30 years.

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<sup>26</sup> A.Nysanbaev, E.Arynov, B.Yesekeyev. Republic of Kazakhstan: Five Years of Independent Development. (Almaty, Edition of Institute of Philosophy, 1996), p.53.

## **Chapter - IV**

### **Political Parties and Election in Kazakhstan**

#### **Political Development in Kazakhstan**

The Independent Republic of Kazakhstan was formed immediately after the dissolution of Soviet Union in December 1991. None of the republic of the erstwhile Soviet Union had ever existed in their present form. The leaders of republic had shown foresight and had been very much pragmatic in ensuring the future political development in the countries, based on civil society with the expanded process of institutional democratization. The term political process has been defined as the behavior of people in different groups as they struggle for and uses the power to achieve personal and groups purpose. “The conception is seen as to a variety of political parties, factions, and oppositions to attain formal positions of legitimate authority in various levels of government via central, state and local. It might be set up in the domestic capability of co-operations with the administration government department, trade union, and the rest.”<sup>27</sup>

The political process and institutional development are closely linked with other socio-economic process and influenced by some variables. In a democratic liberal political system, every citizen is expected to participate in the political process. But normally, the majority of the people remain inactive, and a handful of political elite constitute the key position in the society and exercising a greater share of powers.

The political process in Kazakhstan remains dominated by the Soviet legacies. The pre-Soviet political system was aristocratic. It was controlled by the Russian Tsars. The Soviet political system influenced by the Marxist-Leninist ideology. It was established by the Bolshevik party of government. However, Gorbachev brought unprecedented changes in the concept of Soviet politics. The political process underwent a drastic change during the period of political reforms, i.e. *Perestroika* and *Glasnost*. The

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<sup>27</sup> B.M. Gross (1995), "Political Process", International”, *Encyclopedia of Social Sciences*, vol. 12, New York, p.265.

reform process adopted a number of democratic elements from the western democratic model of development. The Soviet model of development restricted popular participation in the elections, political mobilization or opposition to the government. The Soviet political system further restricted its citizens by not granting the freedom of expression. Media are entirely controlled by the state. The trade union, cooperatives, cultural and organizations (print and electronic) was played a very restricted role.<sup>28</sup> The disintegration of the Soviet Union provided an opportunity to, Kazakhstan to choose its model of political and economic development. As researches after independence, some of the democratic institutions have been developed in the country include political parties, interest groups, judiciary, electoral institutions, legislatures, and military forces.

Kazakhstan's post-independence political process has much in common with other republic of the CIS. Their political systems differ according to their unique ethnic and cultural characteristics and socio-political conditions of the each republic. The constitutional provisions of Kazakhstan advocate for the adoption of liberal democracy though prevailing conditions are not favorable in Republic. Seventy years of Communist rule has been left a legacy of mistrust between the government and the governed.<sup>29</sup> Despite many egalitarian and democratic aspects, the future political process will be prejudiced to Islam, individuality cult, one party governance and ethnic based political mobilization.

The political process in Kazakhstan has been characterized by the acute lack of competitiveness among the politically privileged. There is no believable power sharing instrument as president after independence made sure that he has selected new members to the two most important executive organs of power resembling the presidential apparatus and the Cabinet of Ministers and placed them under his control. The election results reflect the complete hold of the executive over the political institutions. The political processes are also controlling along with guided through the president of the Republic of Kazakhstan. The political opposition to the established regime of Nazarbayev

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<sup>28</sup> Shahrarn Akbarzadeh (1997), "The Political Shape of Central Asia", *Central Asian Survey* 16(4), p.517.

<sup>29</sup> Boris Rumer (ed) (1998)"Central Asian in Transition: Dilemmas of Political and Economic Development, New York, ME Sharpe, p. 44.



lacks mass appeal and does not pose a challenge to the Nazarbayev regime that has entrenched itself through the years.

Kazakhstan has a presidential system of government and the president remains the chief executive. He is also the head of the executive who settles the most important guiding principle of the internal as well as external foreign policy strategy of the circumstances. According to the Constitution, the President of the republic certification of his mediation concentrated working of the entire branches of state power with the blame of the institutions of power earlier than the people. The president appoints the prime minister and the cabinets who hardly take a decision independently and serve as a conduit for the policies originating in the presidential administration (Olcott 2002: 88).

The President's proclivity has further shaped the political system, for perpetuating his regime, and nowhere resembles a pluralist form that characterizes a democracy. Olcott points that Kazakhstan has failed to establish even a quasi-pluralistic scheme. The parliament has no power to impose checks and balances on the president. The local administration have also been reserved at bay from becoming effective sources of political challenge and it has also become difficult for the dissenting voices to organize effectively themselves in opposing the changes that Kazakhstan in the earlier period. These changes surely hinder the forecast of democratization and establishment of a functioning democracy in Kazakhstan shortly (Olcott 2002: 87).

### **Individuality Cult and Development of Tyranny in Kazakhstan**

The vision of independent statehood was transformed into reality by the prominent leaders of the Republic of Kazakhstan when the Soviet Union disintegrated. These leaders were ex-Communist Party members and leaders of their respective republics. The Communist regime suddenly turned into the democratic political system. A number of parties were created with democratic names democratic parties, but the development of tyranny remains there which has been accepted as a necessary stage in the transition from Communist totalitarianism to liberal democracy. The authoritarian trend has developed further by individuality cult. The rising authoritarian development of

individual rule by the leaders of Kazakhstan indicates the political culture is not greatly different from the Soviet type of law. The parliamentary system is very weak owing to massive powers of the presidents. The Constitution has defined the principle of Separation of Powers, the all three branches of state power based on executive, legislative and judiciary wigs. Through the rising of local and clan stand patriotism, the political development could be resolute by the emergence of nationality, tribalism and notarization of the political system.<sup>30</sup>

### **Political Parties**

During the Gorbachev period in the Soviet Union, rapid progress occurred in the political development by the emergence of new political parties and associations. After the Soviet Union's demise, the number of political parties had sharply increased manifolds. In Kazakhstan, between 1987 and 1991 some informal groups emerge. In the early years of *Glasnost*, these groups demanded the restoration of Kazakh national culture and language protecting their native environment from further degradation.

After the attainment of independence, many of these informal groups were transformed into political parties, and their focus shifted toward political activities. Some political parties remained pro-government, and most of the major parties wanted to play the role of opposition against the ruling party. But the ruling elites largely marginalize independence political parties in Kazakhstan. Many parties have been banns under the various pretext or refused registration, which has effectively prevented them from their political activities. The majority leaders have been subjects to imprisonment and abuse. Political parties in Kazakhstan have yet not established their popular mass base support, and the trend of single-party dominance seems to be accepted by the Kazakhstan people.<sup>31</sup>

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<sup>30</sup> Ibid

<sup>31</sup> John Anderson (1995), "Authoritarian Political Development in Central Asia: The Case of Turkmenistan", *Central Asian Survey*, 14(4), p.510.

Most of the Kazakhstan political parties have been organized on ethnic and region basis incorporating the idea of Pan-Turkism, such as Turkistan Party in Kazakhstan. The activities of different political parties differ according to their party philosophy. Some of them support the existing government getting large funds as the state. Others are anxiously dissimilar the rules of governance of the ruling party. Most of the political parties, however, remain to the proposal of rule of law, mass democracy, institutional pluralism, impartial judiciary, free elections, revival of national culture and traditions, and importance of respective state languages. Numerous of these parties have openly condemned the authoritarian presidency and its control over different power organs of the state. The Kazakhstan political parties can be broadly categorizes into three types of parties viz., ruling parties, pro-government political parties, and opposition or independent political parties.

### **Ruling Political Parties of Kazakhstan**

Political parties of Kazakhstan Republic can't extend the kind of seriousness in the people of Kazakhstan. In common, the assertions of political parties of Kazakhstan are, somehow, restructured form of previous Communist parties of their countries. The ruling party of Kazakhstan now is People's Unity Party (PUP) rechristened in 1993. It was originated as a socio-political movement before becoming a political party. Its objectives are the beginning of democratic Kazakh society with a financial market system and amplify the real autonomy of the people. It promotes social and ethnic harmony under the Chairmanship of President Nursultan Nazarbayev. This party also opposes radical nationalism in Kazakhstan.

### **Pro-Regime Political Parties**

Out of many political parties, there are four pro-government political parties in Kazakhstan. These are the People's Congress of Kazakhstan', Republican Party of Kazakhstan', Popular Unity Alliance of Kazakhstan' and "the Votan (Motherland Party). President Nazerbayev attempts to conduct negotiation with all the political groups to

preserve inter-ethnic and religious tolerance in the country. The pro-regime political forces were better organized than the opposition in Kazakhstan. These political factions announce anti-nuclear state, beginning with a unitary state in democratic principles and enhance the political pluralism using the multi-party system.

### **Autonomous/Opponent Political Parties and Movements in Kazakhstan**

The political process of Kazakhstan has undergone drastic changes during the post-independence period. The premature years had witnessed very lazy political activities in different republics. A few political elite controlled the vast spectrum of politics through their previous leadership skills to rule over the mass. Their parties remain predominant political forces in the country. These parties are not allowing any other political groups to share power with them or to take part in constructive opposition. But the last few years have witnessed the emergence of many political associations in Kazakhstan.

However, Pre-independence political movement in Kazakhstan was the national democratic Azat movement that appeared in June 1990. After this movement Nazarbayev came to power. After coming to power Political Party and sovereign press were restricted and suppressed. Despite government's opposition, many political organizations are active in Kazakhstan, such as; Socialist Party of Kazakhstan (SPK), Zheltoksan National Democratic Party (ZNDP), The Republican parties (RP), People's Congress Party (PCP), Social-Democratic' Moreover Communist Party are distinguished from Alash National Independence Party, Democratic Progress Party, and many smaller parties. The largest political organization in Kazakhstan was the Socialist Party of Kazakhstan formed in 1991 with a membership of 55.000. It advocates reliable democratic reforms, social progress, inter-ethnic and civil power. The Zheltoksan National-Democratic Party was formed in May 1990 on the basis of Zheltoksan Public Committee with a membership of 3.000 in Almaty. The party has arranged pockets, hunger strikes, and street demonstration as a means to achieve political goal in Kazakstan.

The Republican Party of Kazakhstan consists of 40,000 members. These members are engaging in a humble position for advocating preservation of national culture and society. The People's Congress Party, found by renowned writers Olzhas Suleinmov and Mukhtar Sakhanov, was registered on 25 December 1991 with 5,000 members. It has 30 MPs in the Parliament. The party ropes doctrine of internationalism and presidential strategy. But the Social Democratic Party was a moderate opposition group to the President. It formally request young scholar, Russians and Russified Kazakhs to join the movement.

The political platforms of the Alash National Independence Party are based on the ideas of all-Turkic unity, Muslim cohesion, autonomy, and social equality. The leaders of this party have highlighted the necessity of the struggle for achieving their ambition. The Azat civil democratic movement advocates the strengthening of Kazakhstan's sovereignty and raises various radical appeals. It supports for a mixed economy, but divergent private ownership.

In recent years, new political figures and movements have appeared in Kazakhstan to bringing substantial changes to the balance of the political supremacy. The most significant of them is Popular Unity Alliance of Kazakhstan (PUAK), which resembles the old Communist Party and for this reason, it is known as Nomenklatura Unity Alliance of Kazakhstan. The main idea of the party is to consolidate people of Kazakhstan and associations proclaimed the creation of a united political organization, the Votan (Mother Land) Party. These parties were formed to counteract the opposition but they have been never manifested on the political arena. Further, another pro-government political party and the Citizen's Party were founded in 1998 using aid from foreign investors. Unlike other political parties these parties are neither strong in their ideology nor active in opposition.

## **The Role of Opposition**

In the process political growth, the presences of the rivalry parties in any country give an impression of democratization of governance with no trends of supremacy. Hence the role of an opposition is very important. Opponent parties inside the Kazakhstan republics have often based themselves on sectional interest. They have used sectarian wellbeing as a means to assemble supporters as well as to rise. In Kazakhstan, regional and clan identities determine the shape of opponent parties. Therefore, the separated groups have a limited base and often are subjects to repression at the hands of the ruling regimes.<sup>32</sup>

There is no doubt that the current Kazakhstan political leadership is reluctant to relinquish their status under the pressures from the opposition. The social foundation of the opposition in Kazakhstan society is fairly narrow. The beginnings of authorized organizations with any useful numerical strength are hampered by the government's excessive measures. The opposition leaders are often reserved under house arrest or in custody at district militia stations.

Nevertheless, critical attitudes persist among intellectuals and students, the customary social foundation of the opposition in Kazakhstan. Despite strong repression, opposition leaders continue to protest and raise voices against the administration monopolies. The leaders of Kazakhstan republics are trying to limit the antagonism behavior. The parliamentary elections in Kazakhstan set up the government's unwillingness to grant registration to many local political parties. The continued elected of the President Nazarbayev of Kazakhstan witnessed no rival against him to ensure unanimous elections of the Kazakh President.

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<sup>32</sup> Anuradha. Chenoy (1997), "Political and Economic Processes in the Central Asian Republics", *International Studies* 34(3), Sage Publication, New Delhi, p. 310.

## **Political System in Kazakhstan: Political Parties**

Political Parties are essential as the multifaceted inter-relationships involving among political parties. The Political parties are critical in structuring the way of political structure in efforts to putting into practice. The most familiar way of distinguishing dissimilar characteristic types of the party system is the numeral of parties competing for power.

Duverger (1954) has made a distinction among the Political Parties. These are 'One party', 'two-party' and multiparty systems. As Sartori (1976) pointed out the consequence of parties in relation to the structure of administration as well as their dimensions give them the arena of winning or at slightest distribution of the administration power (Heywood 2007:282).

A political party is at the bottom of association to facilitate the search towards achieving as well as safeguarding the political power in the administration. But these are more often not by partaking in the electoral campaign. Parties are frequently uphold an articulated idea or vision strengthen by a written program and agenda with unambiguous ambition and alliance with the different interest of power.

So far as the development of political parties of Kazakhstan is concerned, it can be traced back to the commencement of the 20th century. At the time Kazakhstan was a fraction of the Russian region. The enhanced Russian maneuver and immigration strategy within Kazakhstan conducted toward the formation of the *Alash Orda* the first political party of Kazakhstan in 1917. This party was created by the Kazakh nobility during the distinct Tsarist rule. The key objective of the party is political autonomy, the protection of Kazakh land from more Russian incursion, the construction of new-fangled land handle, the structure as well as security of Kazakh writes down language along with the approval of enlightening program. Further Alash Orda is the initial demonstration of the national political awareness of the Kazakh people. Being a part of the Soviet Union, Kazakhstan might not keep away from the omnipresence of the Communist party. The Bolsheviks tried toward enclosing countrywide tilting progress along within 1928 Alash

Orda misplaced its decree positions toward the Communists. For seventy years Kazakhstan is beneath the rule of the Communist party. Economic, cultural and social lives of the nation state are subordinated toward the limitless ruling of the party. Madinov is of the view that the "Agrarian party should be a traditional political power, which is against major change and for political reliability".<sup>33</sup>

The lack of finances may cause low participation of the parties in the parliamentary elections, which need important economic expenditures. Thus, the population of Kazakhstan does not know much about political parties. The emergence of new Political parties and groups in the region is the outcome of the reform policies started by Mikhail Gorbachev in the mid-1980s. But the number of these parties has sharply increased only after the breakdown of the Soviet Union in 1991. However, the appearance of these innovative democratic elements into the Political system of Central Asian republics in general and Kazakhstan in particular was initiating by alternative groups and movements that came up during the middle of 1988. The main objectives of these informal and formal alternative groups are to establish a multi-party Political system in Kazakhstan (Badan 2001: 120).

Democratic standards were allied by way of the being there of party stand politics, an assortment of freedoms of faith, appearance and association associated with a rule of regulation which ensures preserve aligned with unacquainted use of power by the circumstances or whichever other grouping otherwise individual (Saltmarhe 1996:391).

In October 1999 parliamentary elections were held in Kazakhstan. There were also additional centrist parties such as the Party of Patriots, Party of Revival of Kazakhstan, Republican Labor Party, and People's Cooperative Party of Kazakhstan. Therefore, from the commencement of Agrarian Party was formed in support of existing power. Many brilliant Kazakh scholars and representatives of the Kazakh intelligentsia were declared as "enemies" and killed. Civil Party of Kazakhstan was created in 1998. To achieve this goal, the leaders stand for the decrease of state influence in economy and development of the private proposal. According to Kossanov, there are fragile and tough

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<sup>33</sup> [Http: //ozs.mofcom.govcn! table/kaza! political. Pdf](http://ozs.mofcom.govcn!table/kaza!political.Pdf)



sides of the party. However, this opposition party was the only one, which could propose a serious economic program for further development of the country based on the mixed economy.<sup>34</sup>

There are presently twelve officially registered political parties in Kazakhstan. They are given in detail as below:

### **Agrarian Party of Kazakhstan**

The Agrarian Party of Kazakhstan (APK), registered on 16th March 1999, and the leader of the party was Madinov Romin Rizovich. The total membership of the party is 60,000. The parties have structural subdivision into twelve regions as well as two cities in Astana and Almaty. The societal foundation of the party is the local product manufacturer, farmers, tiny dealing holder, local area helpful as well as an enterprise (Abshiev 2002:76).

The fundamental objects of the party are the safety of the agrarian political staff.

It also gives imperative on civil, economic, social and cultural rights along with wellbeing on the vigorous contribution into political existence of the social order. Again pressure the configuration of political strength of peasants rural community population involvement within the elections to the middle as well as local circumstances remains towards encourage the economic expansion of the agrarian limb and its societal position as well as living values upgrading. At the elections to the Majilis (Lower Chamber of Parliament) 19 September 2004, the Agrarian Party partakes surrounded through Agrarian industrial union of workers as well and finally they got 7.07% of the ballot.<sup>35</sup>

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<sup>34</sup> [www.megaessays.com/viewpaper/15347.html](http://www.megaessays.com/viewpaper/15347.html)

<sup>35</sup> [http://www.kazakhstan.orexca.com!kazakhstan political party.shtml](http://www.kazakhstan.orexca.com!kazakhstan%20political%20party.shtml)

## **Civil Party of Kazakhstan**

The Civil Party of Kazakhstan (CPK) registered on 29th December 1999, and the initial secretary of the party was Peruashev Azat Turlybekovich. It is a mass-based party having branches in each province, as well as the two cities such as Astana and Almaty. It's societal foundation is a depiction of manufacturing venture, employees, and engineers.

The goals of the party are to strengthen and develop statehood of the Republic, formation of legal state principles, equality before the act, purification of state bodies from corrupt civil servants towards law and order in all spheres of state and public life, business growth, intensification the fabric well-being and social status of citizen and family.<sup>36</sup>

## **Social Democratic Party**

The Social Democratic Party (SDP) is a political party in Kazakhstan lead through ex- Presidential candidate Zharmakhan Tuyakbay. The party was resister on January 2007; its aim to grow to be an associate of the Socialist International Organization. On 11 June 2007; the Party makes its purpose to come together with the Naghyz AK Zhol (True Bright Path) party. It has been reported that up to date amendments in Kazakhstan Constitution, as well as changes in the formation of parliament, contain sparked assumption concerning near the beginning parliamentary elections resolve are held this year.

On 18<sup>th</sup> June 2007, though, the Kazakh parliament accepted an amendment regarding the electoral rule, law, and order, put off parties from forming a federation. In August 2007 Assembly elections, the parties won 4.62 % of the popular ballot. The entire places were won by the verdict Nur-Otan party.

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<sup>36</sup> [http://www.kazakhstan.orexca.com!kazakhstan\\_political partie](http://www.kazakhstan.orexca.com!kazakhstan_political_partie)

## **Communist National Party of Kazakhstan**

The Communist National Party (CNP) was registered on 21<sup>st</sup> June, 2004. The initial secretary of the party is Kosarev Vladislav. The total membership of the Party is 70.000. The Party objective is foundation on Marxist-Leninist vision, thus, in the elections of the Majilis during 2004 the party received 1.98% of the ballot.<sup>37</sup>

## **Democratic Choice of Kazakhstan**

The Democratic Choice of Kazakhstan (DCK) was registered as result of a tear inside decision privileged that explode keen on a full-scale catastrophe during November 2001. The column of the catastrophe unmistakable, up till at the present it emerge that a conflict of wellbeing between a group of reformist administrator, collectively with the governor of Pavlodar area Galymzhan Zhakiyanov and the deputy head of government Oraz Zhandasov and Mukhtar Ablyazov. They are preceding Minister of Energy along with the possessor of Astana and President Nazarbayev's son-in-law Rakhat Aliyev, has encouraged the earlier to pronounce beginning of a pro-business, pro-reform union call Democratic Choice of Kazakhstan. Thus, founder of the organizations built-in assistant Defense Minister Zhannat Y ertlesova, Deputy Finance Minister Kairat Kelimbetov and mainly important businessmen the head of the Kazkommertbank Nurzhan Subkhanberdinand Bulat Abilov. The subsequent Prime Minister Tokaev cruelly condemns the faction along with inquiring the founders to quit as of their administration post. However, the predicament be contained because a consequence of the interference of Nazarbayev. Tokaev be reassigning because the Foreign Minister even as Rakhat Aliyev is a moved to Vienna when ambassador, where, Zhakiyanov, Zhandasov, Ablyazov as well as others were ablaze as of their administration position.

Democratic Choice of Kazakhstan (DCK), from its establishment, hold a numeral of powerful politicians as well as affluent businessmen of the nation who rise disenchanted through the internal ring of President Nursultan Nazarbayev. The movement takes on a burly anti-Nazarbayev posture along with criticized the dishonesty

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<sup>37</sup> [http://www.kazakhstan.orexca.com/kazakhstan\\_political\\_parties.shtml](http://www.kazakhstan.orexca.com/kazakhstan_political_parties.shtml)

furthermore favoritism of the president along with his circle. However, frequent attempts the power that does not register Democratic Choice of Kazakhstan (DCK) because it is political party. Democratic Choice of Kazakhstan has been established absent of the pressure group and took place during the 2004 parliamentary elections in a federation with Serikbolsin Abdildin's Communist Party in the region playing field to win seats in the parliament.<sup>38</sup>

The party was breakdown in February 2005 earlier than the presidential elections, other than the party-led alliance of hostility forces intended for a very soon Kazakhstan, designated previous assistant chairman of the OTAN party, Zharmakhan Tuyakbay because a presidential contestant during the elections detained on 4<sup>th</sup> December 2005, however, Tuyakbay predictable 6% of the ballot. It was dividing in the coil of 2002 during a collection of the humble member, as well as Oraz Zhandasov, Bulat Abilov and Alikhan Baimenov well-known the middle- accurate Ak Zhol Party. After that, Ak Zhol besides provide delivery toward a new party, Naghyz Ak Zhol, lead through Bulat Abilov, Altynbek Sarsenbaev and Oraz Zhandasov. The leaders of the party contain and trying toward reregistering the party through a new-fangled name Alga Kazakhstan.<sup>39</sup>

### **The Communist Party of Kazakhstan**

The Communist Party of Kazakhstan (CPK) was established in 1936. During this time Kazakhstan was decided as a position of the Union Republic. The Communist Party of Kazakhstan (CPK) has been an appendage of CPSU awaiting the disintegration of the Soviet Union. The Eighteen Congress of the Communist Party of Kazakhstan (CPK) acquires an effect toward rename the Communist Party because the Socialist Party along with partition from CPSU. Nursultan Nazarbayev was the party chairman, well-trained as he becomes the earliest President of the Republic in 1991. Disgruntled members of the older Communist Party recreated the Communist Party of Kazakhstan (CPK) during October 1991 on the Nineteenth Congress of the meeting. Communist Party of Kazakhstan (CPK) was legitimately registered on 28 February 1994. Communist Party of

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<sup>38</sup> [http://en.wikipedia.org//category:politicalparties\\_in\\_kazakhstan](http://en.wikipedia.org//category:politicalparties_in_kazakhstan)

<sup>39</sup> International Eurasian Institute for Economic and Political Research 2007

Kazakhstan (CPK) is an entrenched party formation through headquarters in every of the oblasts. Communist Party of Kazakhstan contains around 70 thousand members.<sup>40</sup>

The main aim of the party is the advancement of freedom as well as social justice, founded lying on the basis of the principle of scientific socialism and priority of common human values (Badan 2005:129).

On the previous legislative elections, 19<sup>th</sup> September and 3<sup>rd</sup> October 2004, and coalition of the Communist Party of Kazakhstan (CPK), as well as the autonomous option of Kazakhstan, won 3.4% of the well-liked ballot exclusive of receiving any seating. On the 4<sup>th</sup> December 2005 presidential elections Communist Party of Kazakhstan (CPK), Democratic Choice of Kazakhstan (DCK), besides the Naghyz AK Zhol Party created an Alliancemovement, for a very soon Kazakhstan and support Zharmakhan Tuyakbay as presidential contestant.

### **The Republican Party of Kazakhstan**

The Republican Party of Kazakhstan (RPK) has been well-known since 22 November 1992 and was officially registered on 26 December in the year 1992. This is a moderate separatist and Pro-government Political party. The attachment of the party is about 17,000 members. The Republican Party of Kazakhstan asserts to represent the interests of the Kazakh people. The Party is primary goal is to restraints the agenda of reform and the foreign policy course of the President and the regime of the Republic.

### **Ak Zhol Party**

A disobedient faction in the Democratic Choice of Kazakhstan (DCK) Movement establishes *Ak Zhol* in March 2002. In November 2001, anti-Nazarbayev campaigner establishes the Democratic Choice of Kazakhstan (DCK). The fundamental posture of the movement is to oppose through a group of the reasonable members who divide beginning the movement in the apparatus of 2002 to structure the innovative as well as slightly modest party which supported a pro-reform and pro-business party column along with the

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<sup>40</sup> [http://www.rferl.org/specials/kazakh\\_votes/parties.aspx](http://www.rferl.org/specials/kazakh_votes/parties.aspx)

party is different from Democratic Choice of Kazakhstan (DCK). Furthermore the leaders desist starting on frankly face up to the president of the Republic of Kazakhstan. *Ak Zhol* has been establishing through the leader of Oraz Zhandasov, Bulat Abilov, Alikhan Baimenov, subsequently, the former information minister Altynbek Sarsenbaev united the party

The party received 12% votes in September 2004 elections of the parliament. The party won only one seat out of 77 parliament's seats. The *Ak Zhol* talks about the democratization of the political structure of the nation, generally elections of the governors (*hakims*) on every stage of the executive structure.

The parties were divided into two groups in 2005. The splinter group was name as *Naghyz Ak Zhol*. In the last presidential election of 2005, Ak Zhol did not join the *For a Just Kazakhstan* (a coalition of opposition forces) and nominated its candidate, Alikhan Baimenov, for the post of president. Baimenov received 1.61% of the popular votes. In August 2007 parliamentary elections, the parties won 3.27% of the well-liked votes as well as did not get a single seat.

### **The People's Communist Party of Kazakhstan**

The People's Communist Party of Kazakhstan (PCPK) it has been a political party in the Kazakhstan, on the previous legislative elections on 19<sup>th</sup> September and 3<sup>rd</sup> October 2004. The party won 2.0 % of the well-liked votes as well as won no seats. During the August 2007 Assembly elections the party's won 1.31 % of the well-liked votes as well as did not get a place in the parliament. The entire seats won by the ruling NurOtan Party.

Nur-Otan, literally means, fatherland's twinkle of glow is the biggest political party in Kazakhstan among greater than 762.000 associate. From the time when 2007 it is a leader by President of Kazakhstan Nursultan Nazarbayev, as well as precursor into the party, is Bakhytzhan Zhumagulov.

The party's forerunner, *Otan* was in the beginning well-known on 12<sup>th</sup> February 1999 after the amalgamation of more than a few pro-presidential parties together with the People's Union of Kazakhstan Unity (PUKU), the Liberal Movement of Kazakhstan (LMK), and the For Kazakhstan-2030 movement. At the Uniting Congress the fresh parties sketch an agenda most helpful of the government of Nazarbayev (Abshiev 2002:76). In the previous legislative elections of 2004 the Otan party won 60.6% of the well-liked ballot as well as won 42 seats out of the 77 seats.

Otan amalgamated amid Dariga Nazarbayev's Asar on 25<sup>th</sup> September 2006, which enhanced the party's seats in the Parliament 42 to 46 out of the 77, and however, In the Post amalgamated Period Nazarbayev observation toward his daughter "inform your Asar members so as to... you are recurring in the direction of your father."<sup>41</sup>

In December 2006 it was declare so as to the Civic Party (CPK) and the Agrarian Party (APK) would go behind the Asar's path as well as and amalgamate through *Otan* to add to Otan's distribute of MP's from 46 to 57 seats out of the 77, and moreover, at the following party congress on 22 December 2006, hands over voted in the direction of rename the party *NurOtan*. These go indication the initial point in time in the history of Kazakhstan to facilitate a ruling party, openly helpful of President Nazarbayev, have been formed. During August 2007 Assembly elections the parties won 88.05 % of the ballot as well as a win every the seats.

### **for a Just Kazakhstan**

Designed on behalf of a immediately Kazakhstan political faction be establish by the Communist Party of Kazakhstan the Naghyz AK Zhol Party and the Democratic Choice of Kazakhstan Party (DCKP) when and the antagonism alliance toward propose an only contestant into the 2005 presidential elections. The group is lead through Zharmakhan Tuyakbay, the ex- Speaker of the Majlis of Kazakhstan.

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<sup>41</sup> [http:// en. wikipedia.org// category:political parties in kazakhstan](http://en.wikipedia.org//category:political%20parties%20in%20kazakhstan)

The aims of the party are a democratization of the political structure, election of the local council, inquiry of dishonesty luggage linking the family unit of President Nazarbayev along with the light redeployment of national prosperity.

### **Ruhaniyat Party (spirituality)**

This is a political party in the Republic of Uzbekistan. The party was formed in October 2003. The party is a leader by Zhaganova Altynshash Kairzhanovna. It has 53.931 members, it the societal foundation is such as like the education, public health, science as well as cultural field workers, civil servants, executive and enameling personnel, entrepreneurs, student.<sup>42</sup>

The main purpose of the Party are economic enlargement, determine of societal issues, the growth of a social order of far above the ground ethics and religious prosperity. The Party got 0.44% of the ballot along with has no assistant within Parliament.

### **Republican Political Party (*Asar*)**

The leader of the party is Nazarbayeva Dariga Nursultanovna; however, the Party is founded in December 2003 and there are around two thousand members. *Asar's* declared aims are to build a financially tough, democratic, authorized as well as social state through the developed institution of civil society.<sup>43</sup>

### **The Role and Position of Media in Kazakhstan's Political Process**

Media are known as the fourth Pillar of democracy. It can help the people to know the procedure of administration, participate in a political decision, as well as grip government administrator responsible. Despite the fact the performing into its belongings are frequently dissimilar. In the period of mass media independent administration and politicians may face it practical to simulate the political qualities of comprehensibility

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<sup>42</sup> [http://www.kazakhstan.orexca.com/kazakhstan\\_political\\_parties.sht ml](http://www.kazakhstan.orexca.com/kazakhstan_political_parties.sht ml)

<sup>43</sup> [http://www.kazakhstan.orexca.comlkazakhstan\\_political\\_parties.shtm](http://www.kazakhstan.orexca.comlkazakhstan_political_parties.shtm)



through metaphorical along with media treatment. At present political clearness is virtually not possible devoid of some appearance of mass media dealings. Nevertheless, mass media could be able to make worse the values of political clearness still even as emerge to dish up those standards. While politicians and political functioning are effort to imitate clearness and suitable the expressions of honesty with dependability the mass media do not for eternity compensate the imitation and undoubtedly, its strength in detail be disposed toward increase it.<sup>44</sup>

Mass media played significant role and build immense contribution into avoidance of dishonesty. It pressures the vision with a consciousness of the inhabitants as regards the all-purpose political, economical and social life contained through the society. Throughout the earlier Soviet Union, the circumstances entirely influenced the grassroots awareness, and people are forced to perform and think pardon. Through using misinformation, assorted local establishment reserved the entire nation state in compliance. The state pressurized every mass media, and informational run was subjects to the constraint. After the collapse of the former Soviet Union socio-political transform in progress taking place at the commencement of the 1990s. Autonomous mass media are happening rivalry besides the circumstances owned media elsewhere put down. Many TV / radio stations and channels gave full creative freedom to the journalists and by not restricting them through ideological and political frameworks.<sup>45</sup>

The majority of the television and radio stations in Kazakhstan republics are state-owned. There are few independent TV stations in Kazakhstan. Many businessmen in Kazakhstan republics have enacted their legal process on "Law on Press" by their respective parliamentary endorsement. But the dictatorial regimes of Kazakhstan republics threat to free media for their alleged violation of Presidential honors or guilt the government that has witnessed the strict censorship over mass media. The role of free media is mostly essential for further democratization, and any attempt to scuttle their

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<sup>44</sup> [www.yale.edu/lawweb/jbalkin/articles/mediaO1.htm](http://www.yale.edu/lawweb/jbalkin/articles/mediaO1.htm)

<sup>45</sup> (<http://www.Ioiacc.org/download/t2-05>)

influence on society or public opinion will result in a widespread agitation by Kazakhstan civil society.

A key attribute of the democratization subsist intensification is the position of media within a structure on the proper institutions of civil society. The establishment on liberate, egalitarian and autonomous press in Kazakhstan Republic has been very necessary to keep the political balance between the ruling party and opposition. The government of the republic is supposed to think about the tolerant right to use of journalists to information not because of favor other than as its duty to open observation. The leaders must act to eliminate any residual obstruction to a liberate press. The process of privatization of much state publishing house is very slow, and the number of independent mass media is not increasingly available for the growth of openness in societies.

So far as the law of the Soviet Union on the Press is concerned added news media came into effect from August 1990. Which was the earliest law connected to media in history of the Soviet Union. The law affords for the endorsement of directness and pluralism of opinion in the Soviet Press. Before the passage of the Soviet Press Law, the Press was controlled by the Government of the Soviet Union, with the help of the censor board known as "Glavlit". The media employees had to look growth in the society from the ruling party's view.

The earliest law taking places the press and added mass media as long as freedom of speech for citizens along with fundamental rights for the media and journalists was putting into operation in 1991. Through these legislative proceeds the political suppression so as to live through the Soviet government subsists eliminated. New-fangled laws on mass media take on 23rd July 1999. This law expands the autonomous doctrine put forth by the earlier law. The new-fangled law is improved the right to intensification freedom of speech along with defensive the privileges and liberation of the people of Kazakhstan.

## **Elections**

The Constitution of Kazakhstan has provided a Presidential form of government. The President of Kazakhstan is the top of state and nominates the top of the admin and the decision-making authority to implement the government decision. Elections in the Kazakhstan are apprehending on a central attitude towards the elect a President as well as the Parliament, which is alienated into two chambers- such as the Majilis and the Senate. However, the Local elections on behalf of maslikhats (local representative bodies) are apprehended after each five years, and the Elections are in charge of by the Central Election Commission (CEC) of the Republic of Kazakhstan.

Kazakhstan is a single party leading state, in this political system that no more than supporters of the president can split into the power. In the resistance, political parties are permissible, other than are largely considerable to contain zero realistic probability of ahead's authority owing to dishonesty. The people elect Kazakhstan's President furthermore to serve for at mainly five-year terms and term limits were detached for the in office Nursultan Nazarbayev on 18<sup>th</sup> May 2007, as soon as parliament as well voted to decrease the term duration from 7 to 5 years.

The 1999 presidential election of Kazakhstan has taken place on 10<sup>th</sup> January 1999 in the Republic of Kazakhstan. However, in office President Nursultan Nazarbayev wins the election through in excess of 80% of the ballot with took oath on 20<sup>th</sup> January 1999. Mainly observer vision the election as unjust; additional substantiate so as to Nazarbayev be not concerned in endorse an autonomous structure of administration. Kazakhstan's 2<sup>nd</sup> presidential elections are in the beginning programmed toward happening in 1996. Later than the 1995 lawful referendum the appointment was extended until December 2000. The elections for the Parliament take place in early on 1999, and, however, on 7<sup>th</sup> October 1998; 19<sup>th</sup> amendments to the Constitution subsist approved by Parliament as well as indication of law with President Nazarbayev. The subsequent day of the amendment of Parliament asked Nazarbayev to cut down his existing term within the place of work. The president decided that behind the Majilis put 10<sup>th</sup> January 1999 because the date intended for fresh elections. The major opposition applicant were

Akezhan Kazhegeldin, be banned from in succession in the election that was condemned by a lot of spectators. Kazhegeldin has just be condemns of partake and the unconstitutional election come together, thus flattering disqualified to look for the Bureau.

For the first time in an election of the Republic, ballots included an option to vote for all candidates. Nazarbayev's parties as well the Party of People's Unity of Kazakhstan (PPUK) are renamed as the Otan Party (OP). However, two month after the election Serikbolsyn Abdilin was the loser in the election asserts extensive elector deception along with a fall down toward appropriately add up secret ballot.<sup>46</sup>

In December 2005, the Presidential election of the Republic of Kazakhstan conducted under a new law for elections and a presidential decree designed to ensure fair and transparent voting. Initially 18 people, including five women, sought the presidency. Five of the eighteenth members fulfilled all Constitutional requirements for candidatures. They are such as Mr.Yerasy Abykasymov was ahead of the Communist People's Party of Kazakhstan (CPK) and Alikhan Baimenov are the chairman of the "Ak Zhol", and Mels Eleusizov self-nomination "Tabigat" ecological movement. Nursultan Nazarbayev, the current President, who was designated by the "Otan" Party, Zharmakhan Tuyakbai, the head of the For Just Kazakhstan. People of Kazakhstan have selected for decision and further implementation of the strategic agenda proposed by Nazarbayev. Every efforts of Kazakhstan's Government, NGOs, Mass-media as well as the entire Kazakh society have been complete to make certain liberated of the election with the harmony of doctrine of democracy, clearness and justice.<sup>47</sup>

In office President Nursultan Nazarbayev during rule since 1989 required and wins a further seven-year term beside four extra candidates in December 2005, presidential election. Unfriendliness contestant is permissible a few right of entry to the

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<sup>46</sup> <http://www.eurasianet.org/departments/electionkazakhstan/crissmit.html>.

<sup>47</sup> News Bulletin Released by the Embassy of the Republic of Kazakhstan 2005

mass media, however, this is immobile controlled. According to Western election spectator unfriendliness contestant, as well endure the substantial infuriation. The Organization for Security and Cooperation in Europe (OSCE) are disapproves of the elections, profession them inequitable and other than well-known upgrading.

Onalsyn Zhumabekov was the Chairman of Kazakhstan's Central Election Commission (KCEC) acknowledged the election legitimate; furthermore, concerning 1,600 witnesses supervise the election through 465 beginning the essential Organization for Security and Cooperation in Europe.

Bruce George was the coordinator for spectator as of the Organization for Security and Co-operation in Europe (OSCE) was extremely critical of the election: unfortunately, regardless of a few efforts which are assumed to get better the procedure as well as the structure did not show enough political determination toward grip an officially superior election. The OSCE have disappeared resting on proof memorandum the subsequent matter through the election such as unauthorized people interfere in polling stations suitcases of manifold ballot vote, ballot package filling as well as force lying on scholar toward cast your vote were experiential throughout ballot vote along with in the calculate.

The parliamentary election was held in Kazakhstan on 18<sup>th</sup> August 2007. In this election, there was raised ten new members to the parliament in comparison to the previous election, in total 98 deputies were elected. The President's party, Nur-Otan has been acknowledged about 88% of the votes as well as wins every of the obtainable seats. Nothing of the six added party's competition the election arrives on the 7% skill to succeed the seats. The election was explained on circumstances of state television as a genuine pace towards democracy, by the antagonism National Social Democratic Party which acknowledged approximately 5% of the ballot condemn the election, and Organization for Security and Cooperation in Europe said the election showed a few improvement, but it was as well disfigured by evils, saying that in over 40 percent of the polling stations visited, which was inferior than in the previous parliamentary and

presidential elections. It was bias in the circumstances of state media was as well thought-out a major dilemma.

### **Role of Opposition Parties in Kazakhstan**

The role of an opposition is an important parameter of democracy. Kazakhstan has been taking positive steps to build democracy. In 2004 Parliamentary election, the opposition could not take as a whole goal mandate to Majalis (the Lower Chamber of the Parliament). It couldn't do anything spectacular in the Presidential elections in the year 2005.

In Kazakhstan, there are two types of opposition: Pro-Westerners and the Communists. The Pro-Westerners are represented by the Democratic Party of Kazakhstan named Akzhol under the leadership of Alikhan Baimenov and the Party of the Democratic Choice of Kazakhstan led by Zharmakhan Tuyakbay (Sapanov 2006:77-83).

### **Electoral Politics**

The elections in independent Kazakhstan are overseen by a four tier Election Commission headed by the chief called the Central Election Commission (CEC). Every election commissions consist of 7 members who are for selected 5-year tenures, and CEC's members are selected by the Majilis according to the suggestion of the President. One members of the CEC are nominated as the chairman by the Majlis.

On December 1, 1991, even before the declaration of a formal independence Nazarbayev had sought to legitimize his rule by calling for a popular election. He was the only candidate, and the election was reducing to a mere ratification. The single enemy leader of the nationalist Jeltoqsan Party obtains a simple 38,000 of the 100,000 signature requisite on behalf of the application. Nazarbayev obtained (under the strictest of Soviet procedure) 98.6percent of votes (Capisani 2000: 3).

In the next presidential election was held almost two years ahead of the scheduled in January 1999. Nazarbayev, who "won" with more than 80 percent of the vote after his main opponent and earlier- Prime Minister Akezhan Kazhegeldin, who had broken by the regime over corruption, was not allowed to race the election. The formal cause designed for his elimination was both unimportant and symptomatic: In October, Kazhegeldin had spoken in a conference of an unregistered association identify For Free Elections. Address an unregistered organization is illegitimate during Kazakhstan and a presidential order of May 1998 fixed that individuals convicted of at all offense otherwise well for governmental transgression might not sprint intended for headquarters for a year. Therefore, his registration for candidature was canceled.

None of the three other candidates in the Presidency was permissible to become severe contenders. The contestant, Serikbolsyn Abdildin who was the leader of the Communist Party of Kazakhstan secured 12.8 percent of the vote in an election. Gani Kasymov, the ex- chairman of the Customs Committee got 4.7 percent of the take part in an election that went by Engels Gabbasov, who could secure only 0.78 percent votes (Vassiliev 2001: 34).

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 declines to send a full-fledged witness delegation, as it normally perform, to check up 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 and the last of the presidential poll took place on December 4, 2005. It was only the second presidential election since independence, when multiple candidates took part in the contest for the highest post. The election was contested by five candidates such as Yerassy Abylkasymov preserve by the Communist Peoples Party of Kazakhstan (CPPK), Alikhan Baimenov preserve by Ak Zhol Party, Mels Yeleussizov Preserve by independent, Nursultan Nazarbayev preserve by Otan Party (OP), and Zharmakhan Tuyakbai with the hold up from For a Just Kazakhstan Movement (OSCE 2005).

The result is the election as shown by Election Commission over that President Nursultan Nazarbayev delightfully 91.15 percent of the ballot. Through his the majority of severe contestants, Zharmakhan Tuyakbay, an ex- Speaker of Parliament and at the present head of the opposition alliance intended for a light Kazakhstan got 6.61 percent of ballot. As a measure to pacify global concerns, previous on 9<sup>th</sup> September 2005 the President had carried a ruling on dealings resting on understanding of Election Rights of Citizens of the Republic of Kazakhstan (ERCRK) including different circumstances of powers that be to pledge liberated, light as well as viable elections.

However, the regime showed its colors when an effectual in order to forbid was positioning on public deliberations about the case of one James Giffen with the intention of were waiting within a US Federal Court. Giffen was charged and impeached in the 2003 for his supposed violation of the Foreign Corrupt Practices Act. During which associations about the payment of kickbacks in lieu of oil contracts, to the high-ranking state officials of Kazakhstan, had been made.

The ban was justifying in terms of protecting the rights of the accused, who is considered innocent until proven guilty, but this principle cannot be applied to impinge upon the freedom of expression or opinion in a public domain. It was also construing prevent convention from an insult to the honor and dignity of a presidential contestants under Article 27.7, Election Law and of the President Article 318, Criminal Code. These pronouncements certainly infringed upon the freedom of expression, in so far as, the information was already in the public domain (OSCE 2005).



## **Parliamentary Politics**

Though a new constitution was adopted in 1993, the Soviet era legislature continued to function and was dissolved at the end of 1993 when the President pressed order for its dissolution. The legislature was dissolving without any compelling constitutional requirement and the dissolution was justifying as a prelude to the upcoming institutional reforms, the real reason, however, lay in its not being amenable to presidential control (Akiner 2005: 125).

A fresh parliament election was held in the year 1994. But on a mechanical concern, Kazakh Constitutional Court derived March 1995 for the process of the Parliamentary elections were invalid. In the daylight of the ruling, the parliament was broken up in 1995. In all possibility, Nazarbayev was somewhat responsible for the decision pronounced by the Constitutional Court as he was convincing that the new composition of the parliament would not favor the implementation of his economic reform policies (Blackmon 2009: 152).

Parliament was restored in late 1995 on the basis of the new constitution that was permissible in a referendum in the same year. In the new constitution, the number of Deputies in the Parliament was reduced to 102. Senate, the upper house had the strength of 47 members, and 55 seats were allocated to Majilis, the lower house of the Parliament. The Parliamentary elections were held on December 5 and 9, 1995. Subsequently, parliamentary elections have taken place in 1999 and 2004. In all these elections, pro-presidential parties have completely decimated the opposition, and the parliament has become a monopoly of the ruling Nur Otan party led by Nazarbayev.

The Constitution of Kazakhstan provides for a multi-party system. According to a 2002 law, to get registered with the Ministry of Justice, a party must have at least 50,000 members on its roll, alienated and awaked proportionally by oblast with no fewer than 700 members within all of the 14 oblasts and two main cities. Earlier, this limit was 3000. Kazakhstan law on the political parties prohibits parties based on the ethnic origin, religion, or gender. In regulate to increase seats in the Parliament a party must attain no

less than seven percent of every vote cast, a high percentage absence of competition in parliamentary elections (Bowyer: 2008).

The last parliamentary election in Kazakhstan was held's during August 2007; however, the result of the election and concert of the political parties in the election would certainly help us measure the status of democratization in Kazakhstan. Prior to the election there was to begin, a government of decree who had more made an amendment to the 2002 election act and according to this decree, no candidate could fight contest in the election in an individual capacity; contesting election through a registered party.

The election discourages individuals to associate themselves with the electoral process in an independent manner and makes them exclusively dependent on political parties though one may not give to the political scrutiny of the parties. Such deliberate abrogation of fundamental political rights of individuals were made in spite of the knowledge that the success of the Republics for the OSCE chairmanship in 2010 depended on holding a free and fair election. Nonetheless, in retrospect, Kazakhstan succeeded in its bid to the chairmanship in the shadow of infringement of political rights of its citizens in the development certainly questions the OSCE's ability to pursue its member to democratize its political system.

The result of the election is an indictment of Kazakhstan's rhetoric about democratization. Altogether, seven political parties participated in the year 2007 elections, and only one of them - Nur Otan, controlled by the President could cross the threshold of seven percent of the total votes polled in the election. It was able to secure 88.5 percent of the total votes and consequently, captured all the seats at stake.

As, mentioned earlier six other parties had also contested the election, and it clearly gave the impression that a multi-party system in Kazakhstan was in place. However, all these parties such as the Democratic Party of Kazakhstan (DPK), the Party of Patriots (PP), Rukhaniyet, and Social Democratic Party (SDP) are held up by Nagyz Ak Zhol whenever unsuccessful toward secure even a single seat as none of them could cross the seven percent threshold. It should also be made clear that only the Social

Democratic Party can truly be termed as the opposition against the ruling Nur Otan Party as the other parties, mentioned above, supports the presidency of Nursultan Nazarbayev (Dave 2007: 254-56).

In such a situation, proclaiming Kazakhstan as a multi-party system would be a farce. There are many examples of multi-party system where a single party dominates but in a democracy it is indeed rare to see a complete absence of the opposition in the legislative bodies at the highest level.

## Chapter V

### Continuity of Political Regime in Kazakhstan

#### Conceptual Understanding of political regime

The word 'regime' refers to a preserve of state of affairs, nearly all often of a political nature, such as like a government. However, in politics, a regime is the form of government otherwise the set of rules, cultural or else social norms to control the process of a government or institution and its connections with society. Though the word regime derives as a synonym for whichever form of government, modern practice frequently gives the word a negative implication, implying a totalitarian government. According to Oxford English Dictionary define that the regime as a government, particularly a totalitarian solitary. These days the political employ of the word regime is most frequently useful to whichever government so as to which most of the time not democratically designated. These require strict and frequently arbitrary rules as well as laws on the citizens that are, for the reason that of the undemocratic outlook of the government, non-negotiable. Modern intellectual practice of the word regime is broader than well-liked and journalistic practice, meaning an in-between division amid the government (which build day-to-day result with is easy to modify) and the state (which is a multifaceted bureaucracy tasked with a variety of coercive purpose). In global studies with international relations the conception of a regime is also used to forename international regulatory agencies, which recline external of the power over of nationalized governments. A few writers thus differentiate systematically between institutions as well as regimes even as recognizing that they are spring up with each other. Institutions as we explain them are openly enacted, relatively-enduring bodies of put into practice, events and norms, ranging as of formal legal thing such as the WTO to further informal other than legally-butressed and enduring sets of observe. The enter expression here are publicly endorse and relatively continuing. The expression publicly endorse in this sense involve vigorous outcrop, legal authorize, as well as frequently as not, some type of opposition. The regimes can be distinct assets of procedure and norms

entrenched whichever in institutions or institutionalized perform like the formal (states) or the informal (liberal trade regime) that are in public endorse and relatively continuing.

A political regime is a set of political formation that makes up a state. A political regime might also be well-known as a form of government, a state structure, otherwise a political structure. The word political regime might also occasionally pass on to a particular ruler or set of rulers contained by a political structure. There are numerous different forms of political regimes in the modern world, as well as various extra have existed in the past. These range beginning the straight democratic political regime of rebellion to authoritarian regimes such as Military Dictatorship or Fascism.

A political regime is a set of the political system that makes up a state, and these political system choices from straight democracies to authoritarian regimes, such as the military dictatorships. General structures in the modern world contain in the democratic republics, monarchies, along with representative democracies. There are also principally theoretical forms of governments, like a severe meritocracy, and one of the most frequently converse as regards political structure is a representative democracy. This is a structure, in which representatives are straight electing by the people. These representatives afterward build political choice for the citizens, with the statement so as to their choice will reproduce the general will of the republic. This can be a contrast to direct democracy, in which the people straight vote on all issues of consequence. In authoritarian along with totalitarian political regimes, one person, body, or party has inclusive have power over the dealings of the state, with no the input or permission of the populace. However, in totalitarian regimes particularly this chief effort to control every aspect of a society, as well as things likes the individual beliefs with ethics of the populace. These are occasionally accompanied by an alternative of behavior approximately the leader as in the container of Adolf Hitler, the leader of Nazi Germany. General forms of authoritarian or totalitarian regimes comprise military juntas, in which a little committee of military leaders rules the country or else a single-party state. In which merely one political party is in supremacy and others are moreover elsewhere correctly or tacitly not permissible to confront that power, and in the one more form is a dictatorship. In which single human being rules the country devoid of being responsible to anybody

along with after that passes his or her authority on to anymore person ahead death. There are numerals of the kind of political regime so as to exist other in theory than somewhere in the world. One instance of this is a severe meritocracy, wherever leaders are selecting bottom on their capability to lead, and further theoretical systems comprise a corporatocracy. A well liked subject matter in science narrative in which conglomerate rule their autonomous states and democracy, in which leaders are preferred based on their analytical capability along with imagination.

Political science defines “political regime” in a diversity of ways, up till now merely two of the definitions are usually acknowledged such as one of them relies on the political with legal, otherwise institutional. Nevertheless, they agree while it comes to a perceptive of the miscellaneous dealings amid the government along with society. Those desires to describe some particular political regime ought to continue from its institutional propose with consequent political practice like performance of constitutional standard, freedoms and rights. The measure of public participation in executive at the state elevation, the measure and opportunity of rivalry between the government and the unfriendliness, and the responsibility of unlock compulsion as well as enforcement of state power.

The preponderance of Russian political scientists, studying the change in the post-Soviet area, thinks of political actors and institutions along with the form of their dealings in charge for the formation of power affairs. V. Ghelman, who identifies the actors, institutions, resources, as well as policy as the major self-sufficient variables, has explain a political regime as the sum-total of performer concerned in a political procedure, institutions of political power, and the assets and policy used to increase with preserve authority. R. Turovskiy appears to concur with the above, however, he explains a political regime as the sum-total of Political factors such as the as well as their process of the governance, resources, aims along with policy.

The subjects of social act a variety of elite groups with possessions and policy of their have can be explained as performer. However, the Resources are a trait a condition

otherwise a benefit, the control of which build it easier to pressure society. Policy are the nature of proceedings a few actors assume in next of kin to others such as the force, conciliation, and a mixture of the two. Institutions are the sum-total of the formal as well as the informal rules of the game that enforce confines on the political actors otherwise generate inducement to political triumph. This definition holds the perception of dominating *actor* worn to explain a theme such as a well-built leader, a ruling party, and the ruling clan, etc. clever to rule further than some significant mutual aid through others.

The concepts of the formal as well as the informal actor along with institution are enough to explain some political regime as a practical globe of a political structure. In turn, which can be explain as a process of mutual aid inside the formal along with informal institutions of the sum-total of performer in the political procedure who rely on different possessions with policy to increase plus keep power. V. Ghelman has pointed out so as to the formal explanation of the political regime twisted for the reason of scrutiny of regime changes permit one to illustrate a column between competitive along with uncompetitive regimes. However, in the final case, the govern performer is powerful, even as the others have no important roles to play.

### **Political Regime in Kazakhstan**

Earlier than scrutinizing the political regime in Kazakhstan, it should be well-known so as to through 1995 the country obtains purpose state of affairs favorable to stronger presidential influence. This influence was representing through Nazarbaev, who had obtained far superior political possessions than his challenger. Electoral support, which the president won towards stronger his legitimacy as well as get better the referendum policy; can be illustrated as one such source. His unrivalled influence, similarly, was a different significant issue, however, it had been earned much previously, throughout the last years of Soviet authority while Nursultan Nazarbayev, a supple politician, confirmed his no denote flair for concession with different social groups along with his capability to devise impartial centrist positions as well as earn well-liked maintain. According to the all-Union survey the Dialog Journal conducted in 1991, 40 percent of the respondents sharp to Nazarbayev as the politician of the year, 36 percent

chosen Boris Yeltsin as the man of the year, however, in May 1991, the Obshchestvennoe Minnie Foundation (OMF) get hold of related consequences.

Presidentship completes Nazarbaev's symbolic assets with institutional assets so as to prolong his power not merely in the political although also in the wider (social) specialty, which interpret into limitation the political parties' along with media's freedom of accomplishment. The president demonstrates a group of skill while treatment the consequences of economic reformation to get, apart from the symbolic and institutional assets, the mainly significant, economic, reserve. This covered his supremacy to the coverage so as to neither the differentiate wellbeing of the privileged as well as the take it easy of society reason through the economic improvement, nor the make worse challenge shaped through the tribe nature of the Kazakh ethos such as like the separation addicted to zhuzes destabilized President Nazarbaev's power.

The regime, which stay alive the confront of the young nationalized bourgeoisie lead through previous Prime Minister Kazhegeldin all through the 1999 presidential fight along with the so-called privileged uprising of 2001-2002, demonstrated its sustainability. A scrutiny of post-Soviet (after 2003) political progress in Kazakhstan lead to the termination so as to new powerful political actors are doubtful to approach to the fore in the near prospect, however, we can articulate so as to in 2003 the post-Soviet regime go into a phase of consolidation, and the electoral sequence of 2004-2005 and 2007 long-established so as to the government's power was absolute along with that society was retreating its hold up of the resistance.

The 2004 parliamentary elections convey triumph to the pro-presidential parties, which keep hold of their grip on the legislature, where the latest presidential elections, which took place in 2005, be quite nonviolent for the authority so as to be as well as could be demonstrated as the incumbent's victory: he put on 91.1 percent of the votes, departure hardly 10 percent for Zh.Tuyakbay, the presidential candidate on behalf of the For a Fair Kazakhstan resistance movement, and this means so as to President Nazarbaev determination stay behind at the wheel turn over at slightest 2012.



In 2003, the political regime in Kazakhstan clearly achieved its steadiness and acquires unique features along with particulars. Contained through V. Ghelman's categorization, the post-Soviet regime in Kazakhstan can be explained as monocentric with single overlook performer who relies on the formal as well as the informal institutions, and were contained through R. Dahl's representation, which describe regimes according to two criteria such as the spirited power struggle along with the level of civic participation in governance the regime in Kazakhstan can be distinct as a competitive oligarchy. To elucidate the spirit of the political regime so as to have in use outline in Kazakhstan and make known its detailed features, however, we ought to recognize its social foundation as well as the process of its performance.

The regime can be explained as authoritarian since the range of the president's influence as well as influence of the executive branch record in 1995, and in the Constitution slight down, to the furthestmost degree probable, the polycentric scenery of the political structure. There is no democracy to the converse of this greatly is long-established through the civic formation occupied in observe democratic growth crossways the world. Freedom House, one of the international NGOs, intended the wide-ranging manifestation of democratic expansion in Kazakhstan in 2008 as 6.39, which can be illustrated as fundamentally the Supreme smallest. While it boasts numerous parties as well as the official pluralism, the republic cannot be explained as an authoritarian state, moreover, up till now the president has dominated executive on every essential concern, even as the authority privileged purpose outer public power.

Influence and assets in Kazakhstan contain complex to the coverage so as to they cannot be alienating as of each other. This is the foremost attribute of the country's political regime, which respite on the own capital build up through Nazarbaev's tribe ("the family") along with on the cash contribute to large business, which depends on the regime. Therefore, on the one hand, this make certain political power more than the mainly essential assets, where the other hand is large business is worn to clear up

otherwise counterbalance unfaithful theme, influence public outlook, along with buildup symbolic wherewithal through putting complicatedness on the media.

The bureaucratic machine alone such as like the power-wielding along with civilian departments as well as ministries is able of conserve political influence complex with assets. The presidential administration, the interior of the republic's bureaucratic formation, removes political aspire along with farm duties to the poorer height. The structure will stay alive with determination stay behind well-organized as long as the president keep hold of his legitimacy as well as wide popular hold-up. Challenge and quarrel at the pinnacle are not barred; nevertheless the overlook performer has sufficient assets to renovate consolidation throughout obligatory consensuses.

In Kazakhstan, system of government is based on the *clan system*, a throwback to the clan as well as tribal past, however, the gradually altering structural restrictions cannot be elevated every at previously, which unavoidably have an effect on political change. In an insecurely secure society livelihood beneath the enchantment of its patriarchal precedent, some improvement have an effect on the clans as well as their wellbeing; the clans, which make certain hold up of the president, should be satisfied with constitutional rights. Once strengthen, the regime did not anything to clean out the clan structure; it turn into even further extensive, with links as well as a group put back the competitor detached as of executive posts. The "family" superior the regime's steadiness as well as through the President its prisoner of species stipulation further tribe starts imperative for the influence his position will be the difficulty.

This resources so as to the regime in Kazakhstan can be mark as clan-bureaucratic authoritarianism beneath which the wellbeing of the head of circumstances, as well as tribe bureaucracy balance each further elsewhere along with, are legitimizing throughout the formal institutions of simulation democracy. Officially Kazakhstan is a state ruled by law, even as in genuine information the performance of the prescribed democratic measures along with institutions is disgustingly indistinct, as well as the law serve up as an instrument of influence. This is sufficiently long-established through the make use of

court measures to segregate the mainly well-known unfriendliness members such as A. Kazhegeldin throughout the election campaign; the media be implementation beneath executive force; along with criminal measures were instituted not in favor of unfaithful politicians such as G. Zhakiianov as well as M. Abliazov. Laws and still the Constitution are normally distorted; however, the beyond put forward so as to the political regime in Kazakhstan can be explained as clan-bureaucratic authoritarianism with essentials of simulation democracy.

A scrutiny of observed information shows so as to with no political forces intelligent to launch a regime change in the spectacle the regime will keep hold of its sustainability in the close to prospect. At the same time, power take away is the annoyance of every patrimonial regimes of the monocentric kind such as in which executive feel right to one person even as his power rests on patron-client dealings with the privileged. In 2005, when Nursultan Nazarbayev was reelecting President, the final result on an heir was delayed until 2012; his age, though his determination be 72 in 2012, does not authorize procrastination, however, this means so as to the political regime's probable progress trends have turned into particularly imperative. There are three options such as first, the safeguarding of the status quo; second, the moving reverse to civilization as well as partial democratic progress; and third, the regime's partial modernization and these third alternative is the mainly attractive as well as the mainly credible.

### **Safeguarding of the status quo**

This is potential if the president is reelecting for a new tenure or if the Operations Successor follows the Russian outline. To safeguard the status quo, the new president be supposed to follow the old obligatory consensus policy to remain the privileged merge along with to keep hold of his dominance. This looks probable; though the preference of successor strength proves a difficult. Indifference to Russia, in Kazakhstan, wherever the clans enjoys power, political problems strength is provoked through psychological complexity. Nursultan Nazarbaev has no sons, which means so as to his elder daughter

Dariga or his second daughter's husband Timur Kulibaev strength maintain the presidency (the probability of the concluding are further expecting).

### **Moving reverse to civilization**

The least reasonable variation but immobile a opportunity, device in 2006 through one of the most powerful presidential applicant- Rakhat Aliev, ex-husband of Nazarbaev's elder daughter—it is immobile well-liked among convinced privileged groups. In 2006, Aliev published an article “Respublikostan il Kazakhskiy Sultanat, Kakoy vybor my sdelaem?” (Republic-stan or a Kazakh Sultanate: Which is better for us?) In which he mark: “a Republic is an unknown form of government so as to reach the Kazakh prairie land directly from the head of burning revolutionary Vladimir Ilyich Lenin. The kingdom, on the other hand, goes glowing through the Kazakh clan society as well as world knowledge, particularly with the British knowledge. Certainly, Britain does not be uncertain to recognize so as to the country is alienated from masses along with lords and that this is imitate in its parliament. “The Kazakh parliament, on the other hand, is a depressing prospect. Ever since we have no lords, who dwell in the seats in the upper chamber? Are they appreciated people? Consent to us imagines for an instant so as to the seats are overflowing with members of genuine, clean as well as national, social groups. The kingdom is in wide-ranging a dependable, suitable, and self-governing form of government as separate from the Republic, which strain dishonesty with a ruler. Through the reason of the nature of his influence, the emperor is intelligent to social assurance steadiness for an extended make bigger of history—sumptuousness the president does not take pleasure in.” In 2007, the president determined to counteract his too lively son-in-law: criminal charges were foundation beside him on 23 May, however, he was lay blame on of abduction, in 2008 he was verdict in absentia to twenty years in penitentiary; he escape overseas; his wife had no alternative other than to divorce him. Still, sustained civic legitimization of clan graciousness can be described as a purpose precondition for a Sultanate in Kazakhstan, and on the other hand, quite huge groups of the republic's population are rationalized adequate to build a kingdom intolerable. The foreign issue is no less significant such as like the Western countries with brawny lobby groups in the

Republic determination not at all authorize an authoritarian form of government as dangerous on behalf of the money they spend in the power multifaceted. The second variation depends on the successor's personal partiality along with political certainty, and in further words, this variation, to a huge degree, depends on a method

### **Modernization of the political regime**

No democratic regime resolve become visible in the country in the close to prospect, though it might obtain circumstances favorable to democracy in the further far-away prospect. I have in intelligence the superior political role of recognized institutions as well as the much slighter crash of unofficial traditional dealings. This might take the form of more coherent policies (according to M. Weber), so as to is, an experienced system of government in concert a superior role along with clan and tribal dealings having fewer power. Modernization curses a separation with mono-centrism, which resources redeployment of influence in goodwill of the government; however, this will enhance the role of the political parties as well as of the nation's political participation. Nursultan Nazarbaev's current result put forward so as to Kazakhstan will go on the third road in 2002 the regime began transformation the party structure as well as elevate the standing of the political parties, in exacting throughout the Law on Political Parties take on in the summer of 2002, which envision reregistering every the political parties of Kazakhstan. It was not a self-governing law the members of the civic along with international organizations not at all be uncertain to disapprove of it in the most passionate method. The new registration arrange drew a set of critical comments the law imagine so as to parties be supposed to contain at least 50 thousand members in every the area as well as no less than 700 members in Astana along with Almaty.

This stipulation can barely be explains as democratic ever since it infringes on the right of people to form a coalition; the new law only derivative the RF Law on Political Parties take on a year previous. In fact, in the outlook of the dissimilar populace size of the two republics (140 million in Russia and 15.2 million in Kazakhstan), the numeral of party members seem disgustingly exaggerated. Nonetheless, the very information so as to

the standing of political parties in Kazakhstan were lifted means so as to the political procedure is poignant in the way of a superior role for the official institutions, which is a mark of political modernization, where the president brings in a little further current political novelties.

In 2003, the nature of interface flanked through the state and the public formation began to steadily shift in the direction of an institutionalized dialog on a state balance in the appearance of an enduring discussion flanked by the political forces and the government which bring mutually members of political parties, parliamentarians, along with further public as well as political facts. The opposition parties prefer to overlook the new formation since on the early phase the president was not individually concerned. In 2006, the discussion was distorted into the State Commission on Drawing Up along with spell out the Program of Democratic Reforms under the Kazakhstan president—GKVD; President Nazarbaev's individual involvement in the effort of the GKVD lifted up the dialog raised area to the uppermost level of national discussion, charitable it a standing of state consequence."<sup>48</sup> In 2006-2007, the Commission met six times; it complicated sensible step ladder in all pasture of political transformation. Talking at its concluding sitting, President Nazarbaev said that "The occasion has come to talk about the likelihood of the prime minister life form hold up through the Parliamentary Popular Party. This is complete every ended the world along with we be supposed to go behind the world put into practice."<sup>49</sup> Near the beginning in 2007, the president first talk about the contender for prime minister in a new Cabinet with Nur Otan, the parliamentary majority party; though, this commences a new political put into practice.<sup>50</sup> The proposal recommended through the in office prepared to give up can be explained as a trend in the direction of depersonalization of influence: the superior role of the parliament along with political

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<sup>48</sup> L. Karmazina, "Institutionalization of the Party System in the Republic of Kazakhstan: Past and Present," *Central*

*Asia and the Caucasus*, No. 5 (53), p. 49.

<sup>49</sup> Vystuplenie N.A. Nazarbaeva na VI zasedanii Gosudarstvennoy komissii po razrabotke i konkretizatsii programmy demokraticeskikh reform 19 fevralia 2007 g. Official site of the President of the Republic of Kazakhstan [www.akorda.kz](http://www.akorda.kz), 20 February, 2007.

<sup>50</sup> A. Shomanov, S. Konovalov, "Republic of Kazakhstan. Politics," in: *Central Eurasia 2007, Analytical Annual*, CA&CC Press®, Sweden, 2008, p. 150.

parties in employ the prime minister is a significant issue in reallocates powers as of the presidential administration to the government, however, Personal domination on executive is gradually creature put back with collective executive, a perceptibly progressive put into practice.

These proposals, though, did not break the domination of the ruling privileged: the pro-presidential parties steadily compound into a single party of power, Nur Otan. In 2006, the recently united party boasted almost one million members, an unparalleled state of affairs in sovereign Kazakhstan.<sup>51</sup> It be supposed to be said so as to in Russia the 2003 parliamentary elections bring the government supreme power in the State Duma for the first time; extremely almost immediately in Kazakhstan citizens started discussion about “the revived C.P.S.U.” as well as the beginning of a “one-party epoch.” The 2007 parliamentary elections in Kazakhstan shaped a one-party parliament, which, though, had convinced positive consequences. The appearance of a dominant party of influence enlarged the role of the recognized institutions along with slight the meadow of informal put into practice. The party of power might make a new structure for complementary the interests of the privileged groups. In the history, it was the president who was the input issue in this equilibrium nowadays it is strong-minded through the level of the “group’s” faithfulness to the party along with its addition into the party’s formation. The privileged contain to act collectively; their dealings must turn out to be institutionalized, more formal as well as less deprived on the clans.

In 2007, the president’s thoughts concerning the political transformation were supported through the parliament as well as put into practice in one additional constitutional transformation.<sup>52</sup> The parliament assumes over 60 constitutional amendments; the mainly vital of them were careful those which make wider the influence of the legislature as well as elevate the standing of the political parties. A number of experts explain this as a footstep on the way to a presidential-parliamentary Republic, however, even as the parliament reinforce its situation, the president misplaced a few of

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<sup>51</sup> L. Karmazina, op. cit., p. 47.

<sup>52</sup> V. Vorobiev, “Glava Kazakhstana podelilsia vlastiu,” *Rossiiskaia gazeta*, 17 May, 2007, p. 2.

his privilege; his tenure was abridging from 7 to 5 years (Art 41.1), the amendment mortal practical to the president elected on 4 December 2005 (Art 94.1).

Nazarbaev was resistant to the outlaw on additional than two consecutive conditions as president, the amendment being begin through parliamentarians who harassed the first president's historic role. So as to the president potted his particular influence even as wounding reverse the prerogatives of his descendant. A scrutiny of President Nazarbaev's newest proposal in addition to the constitutional reform of 2007 put forward so as to the country will choose for transformation yet stipulation democracy is still far absent. So far away, the role of the recognized institutions, the political parties in meticulous, determination is improved; domination on executive will be abridged even as the political course will be putting into practice throughout the parliament as well as its superior powers. Through affecting in this method, the president is annoying to determine the influence permanence difficulty. He recognize so as to the legality of his successor strength be greatly weaker than his possess, which resources so as to, underprivileged of this representative reserve, the monocentric government strength misplace a few of its steadiness as well as consolidation.

He decide on for depersonalization of influence; divide the executive function flanked by the president along with the parliament; worn his individual power to boost the legality of the party of influence in the expect of plummeting the privileged as well as clan argue so as to strength up on one occasion he foliage his post to Inner Party contention. Through preventive the clan great effort to recognized institutions, Nazarbaev hoped to put off a riot of elites in similar to so as to of 2001-2002. He is influenced so as to these divergences be supposed to be determined not by the new president (whose influence determination be quite inadequate nevertheless), other than through the parliament along with the ruling party in the beginning of virtual polycentrism as well as accord. Refusal extra-institutional events intended to hold back probably flare-ups of non-formal clan as well as tribal relationships contain been bringing in so far, but constant progress in this method put forward so as to the political relations in the country strength turn into more coherent as well as superior suitable to the modern period. The



similar is factual of a yet extra important objective: a democratic culture in the true wisdom of the statement.

### **Central Asian Presidents and their Powers**

The empirical evidence presented in this volume demonstrates how presidents have been concerning with building and maintaining power. Power consolidation involves manipulating formal institutional mechanisms to strengthen the ruler's grip on his office. The presidents have basically employed the same techniques, and these are: the creation of a powerful central executive by subordinating other institutions to their fiat through constitutional means; consolidation of a patronage network; repression and sometimes violence. Presidents are thus able to exert influence over other actors in the system.

The presidents have used a variety of techniques to manipulate institutions, and the creation of a powerful central executive has been a fundamental part of their strategies. In Kazakhstan republics, revisions to the constitutions of these states have strengthened the executive – in particular the office of the presidency – to the detriment of the legislature and judiciary. Furthermore, presidents have attempted, to varying degrees and with mixed success, to centralize their politics.

Simultaneously these presidents have been concerned with maintaining a veneer of democracy, emphasizing the apparent constitutional separation of the branches of government into executive, judiciary and legislature. In reality, however, these three branches are often fused, with the latter two subsumed by the much more powerful executive. Nevertheless, as Cummings and Ochs emphasize, that the president felt it necessary to introduce these trappings of Western institutions is the testimony to the use presidents have made of constitutional hypocrisy and façade democracy. However abused, this form of democracy has forged a new relationship between rulers and ruled.

In Kazakhstan, presidents have also employed the tools created by the Soviet system to advance and protect the interests of the monopolistic elite. The Soviet system created a self-perpetuating ruling elite, equipped with powerful instruments with which to protect its interests. The extensive use of patronage powers renders informal powers critical in an overall assessment of the powers of these presidents. The less institutionalization and rule of law, the more informal presidential powers have come to bearing on the system.

Consequently, presidents in Kazakhstan enjoy both specific and residual powers. In the same article on institutional choice, Frye usefully employs this distinction. Specific rights are assigning to each contracting party (in the case of political institutions, to parliament, the judiciary, government, for example); when shared with another body these powers are reduced. By contrast, residual rights belong to one actor only in the many circumstances that lie outside the conditions of a contract. Frye explains how the concept of residual rights derived from incomplete contracting in economics and was later applying to political science.<sup>53</sup>

Specific powers include the rights explicitly granted to a president in the constitution and are mainly procedural, appointive and symbolic. The Kazakhstan Presidents have used all. For example, and as highlighted, political power is highly centralized, and much of it is concentrated in the president's hands. These appointment powers enable the presidents to exert not only formal but also informal power, as they allow them to retain crucial patronage positions.

Kazakhstan presidents have become known above all for their residual powers. These include decree powers; the right to dissolve parliament; emergency powers; martial law powers; interim powers; impeachment; veto powers; sweeping clauses; and, referenda powers. The regular use of referenda as a means of prolonging presidential rule and bypassing elections has become a common Kazakhstan political practice in the post-

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<sup>53</sup> See, for example, S. Grossman and O. Hart, 'The Costs and Benefits of Ownership: A Theory of Vertical and Lateral Integration', *Journal of Political Economy*, vol. 94, no. 4, pp. 691–719.

Soviet space. The practice of the referendum cemented an informal Central Asian club, with its membership rules and practices.

Residual powers have been used illegally by the presidents. In addition to the use of the referendum to bypass elections, all have engaged in the rigging of both parliamentary and presidential elections, the banning of opposition parties, and the controlling of mass media. They have done so to different degrees, often resorting to repression and sometimes to violence. Instead, Presidential Guards and rapid deployment troops of the Ministry of Internal Affairs remain powerful organs of influence, intimidation and even violence for the presidential regimes.

### **Leadership efficiency**

Whatever the individual formal and informal powers of presidents, these do not necessarily amount to strong or effective leadership. 'Power over' does not necessarily equal 'power to' 'Power to' implies the implementation of these goals, a degree of systemic support and personal authority, which refers to the ability of a leader to respect and follow their leadership. For Kazakhstan presidents to be effective, the contributions suggest they require both state capacity and state autonomy. These stem partly from the loyalty of a presidential team, which is helping by a degree of popularity and mutual rather than dependent relations with the outside world. None of these requirements of effective leadership is unique to Kazakhstan, but they assume a particular form.

State capacity here refers to both the state's economic and institutional strength, and the presidents enjoy varying degrees of it. The relationship between privatization and economic restructuring is symbiotic and can have a significant effect on state capacity. Meaningful state restructuring increases state capacity and efficacy, enabling effective privatization. Privatization brings necessary funds into the state, and in the absence of domestic funds and effective tax-raising powers, assumes particular importance. As part of their economic liberalization agenda, Kazakhstan have been the most successful at attracting funds; indeed Kazakhstan by 1997 had the second highest level of per capita

investment of all post-communist states (after Hungary). On state capacity terms, then, Kazakhstan would appear stronger than the other three. It is not that simple, however.

If privatization is to increase state capacity then its proceeds must be channeled into the state; the reality in Kazakhstan (and to a lesser degree in Kyrgyzstan) is that proceeds have gone to individuals within the regime and state. Corruption is rife in Kazakhstan republics, but Kazakhstan is often cited as the most serious offender. The use of public money for private gain is partly a factor of elite insecurity: frequent reshuffling of public office-holders encourages members of the elite to think not of the state but them. This is not surprising given that Soviet officials were well placed to benefit significantly from the regime and are recruiting through informal channels in highly personality regimes. Linz and Stepan rightly emphasize the need for economic restructuring before privatization of assets can work. In Kazakhstan has there been any serious attempt at state restructuring, but in the former particularly, state streamlining and consolidation had largely come to a standstill by the end of the 1990s. In short, while potentially stronger in Kazakhstan, state capacity remains weak in the republics.

The president also requires the autonomy to act. In particular he requires autonomy from other regime and state actors, society, and the international environment. Within the regime, the president needs to dominate his faction. Domination is abetting by certain types of elite structure. The more consolidated the elite under the rule of the president, the more able he has been to assume loyalty of those elite. For example, some contend that Nazarbayev's decision to move northwards was partly driving by his desire to secure autonomy from powerful Southern networks.

In Kazakhstan, while real political power was moving increasingly into the hands of the titular nations, the Kazakhs as underscored by Huskey, fought to make enough tactical concessions to the other ethnic communities to ensure their continued loyalty. Indeed, at the time of independence, ethnic Kazakhs were a titular minority in their state. These findings challenge Horowitz's assertion that the more multi-ethnic a state, the more authoritarian it becomes; Kazakhstan became simultaneously more mono-ethnic

and repressive in the 1990s.<sup>54</sup> The late 1990s have also seen the emergence of new perceived threats in Kazakhstan, notably drugs trafficking and terrorist insurgencies.

That said, Kazakhstan's policies on privatization and management contracts have made it reliant on external economic actors (both countries and transnational corporations), and the regime is trying to reverse that trend. Where, previously, economic power was fused in the hands of the dominant political elite, privatization began a bifurcation of the political and economic elite. He has thus been forced to engage in power struggles not incumbent on any of his neighbors. The case of Kazakhstan highlights the tension between state capacity and state autonomy, since gaining international capital comes at a cost to autonomy, namely dependency on new economic actors and foreign investors or donors.

Ultimately, the president needs to be assisted by a loyal presidential team. Loyalties are bred by a system of punishments and rewards and a vast neo-patrimonial network elaborated here by Ishiyama. This goes for both the regime and state. By contrast, Kazakhstan have fragmented and even divided elites. Cummings underlines how Nazarbayev's elite has become narrower in the 1990s and how that team has become more loyal; but again, this may have been at the expense of efficacy, since they do not necessarily have the expertise brought to government by the recruitment of technocrats in the mid-1990s.

Power is thus more highly nuanced and constrained than a simple description of formal and informal powers would suggest. Indeed, somewhat constrained leadership is one of Linz's characteristics of authoritarianism. But despite these constraints the five have been able to play a decisive role in crafting these new regimes. The imprint of these presidents is suggesting by the fact that similar situations have led to very different policies, indicating that presidents can lead to different policy outcomes. Both Kazakhstan have remained in the forefront of efforts to liberalize the economy and to create a favorable environment for foreign investment. Both have been broadly reformist

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<sup>54</sup> D.L. Horowitz, *Ethnic Groups in Conflict*, Berkeley, University of California Press, 1985.

and have stayed in power. As Ishiyama highlights, Kazakhstan, are most likely to become 'rentier states'. The use of violence and repression is a sign of weakness rather than strength in these regimes.

Elite structure has shaped the different degrees of authoritarianism (both Soviet and pre-Soviet); the degree of centralization (itself a factor of regionalism); the policies themselves (the more liberal, the more likely winners and losers and hence a divided elite results); by society (degree of cleavages); and by the international environment.

### **Legitimizing their rule**

The concept of legitimacy is complex. It is used mostly in a descriptive sense to indicate acceptance by the ruled of the ruler's authority. A 'legitimate' government is thus not necessarily a just or worthy or even popular government, but one where the ruler are seen by those ruled as having the right to govern. 'Authority' refers on the right to make lawful commands; it guarantees rulers, or those empowered by them, deference because the commands are legitimate.

It is possible for nondemocratic regimes to be considered legitimate if we agree with Weber's contention that political legitimacy is grounding in the beliefs of those who are governed. If the masses believe that their rulers are legitimate, for whatever reason, then those rulers are legitimate. This is possible but not verifiable. In the absence of free and fair elections or opinion polls, we can only speculate about the extent of these regimes' legitimacy.<sup>55</sup> Weber argued that, even when democratic procedures for legally removing an incumbent are absent, some political regimes are still regarding as legitimate by their populations. In his view, there have been essentially three ways in which political

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<sup>55</sup> Three of the most famous social contract theorists also had their view of legitimacy. Thomas Hobbes proposed that the ideal form of government is a powerful state dominated by one man where citizens abdicate their rights of governing themselves to this man – a 'Leviathan', a giant of a state to which everyone should voluntarily submit for the good. John Locke advocated instead the formation of a 'commonwealth', whose legitimacy is derived from common consent. This consent is based on government's preserving 'property' (i.e. life, liberty and estate). Jean-Jacques Rousseau maintained that legitimacy is based on a tacit social contract among free people; he believed an 'elective aristocracy' was the best of all forms of government and opposed representative democracy. See M.J. Sodaro, *Comparative Politics: A Global Introduction*, New York, McGraw-Hill, 2001, pp. 121–8

leaders have legitimized their rule: namely through traditional, legal–rational and charismatic authority. The Kazakhstan presidents have employed all or some of these means to different degrees and at different times.

Charismatic authority, in Weber’s view, is the most unstable form of legitimacy since their ideas and support dies when these leaders die. Legal–rational authority is rooting in ‘the belief in the legality of rules and in the right of those who occupy positions by virtue of those rules to issue commands’. Kazakhstan presidents have used rules to rationalize actions, even if those actions are illegal. Traditional authority rests on ‘an established belief in the sanctity of immemorial traditions’. In the Kazakhstan, leaders have been nation-builders as well as state builders, reinventing the past to legitimate their rule. Kazakhstan presidents have overall resorted more to legal–rational forms than to charismatic or traditional ones.

Legitimacy of the Kazakhstan presidents has not been automatic; as Lieven observes in his chapter, these leaders did not desire independence, were not pushed to independence by mass mobilization and did not embody any strong sense of national identity. Instead, leaders have had to work at cultivating legitimacy. Kazakhstan is therefore engaging in a process of re-legitimizing. In that sense, this authoritarian system is not simply a continuation of the old. For Nazarbayev in the early years, legitimacy was nurtured through a careful playing to the two major societal constituencies, Kazakhs, and Russians, as discussed earlier. Nazarbayev have adroitly balanced relations between clans of the indigenous population, between the indigenous population and the Russians (both advocates of simultaneous civic and ethnic identity), and between foreign actors. Both claim their countries stand at the crossroad of East and West.

While issues such as the ethnic one have dominated political discourse at certain periods of the legitimating process, opinion polls would indicate that economic performance has become the legitimacy test for these regimes. Because the presidents have not been prepared to be subjecting to competitive elections, they have denied themselves that layer of insulation. Nevertheless, there is no conclusive evidence from

elsewhere in the world that economic collapse triggers political collapse, but when the belief grows that other alternatives are possible, Linz and Stepan write, ‘the political economy of legitimacy and coercion changes sharply’.<sup>56</sup>

In Linz and Stepan’s typologies, we are left with a choice between authoritarianism and sultanism. In his seminal 1964 article ‘An authoritarian regime: Spain’, Linz defined his new category of authoritarian regimes as political systems with limited, not responsible, political pluralism, without elaborate and guiding ideology, but with distinctive mentalities, without extensive or intensive political mobilization, except at some points in their development, and in which a leader or occasionally a small group exercises power within formally ill-defined limits but actually quite predictable ones.

In the absence of free and fair elections, is legitimacy irrelevant in the Kazakhstan context? Legitimacy means something different in the context of the authoritarian rule and something different in the Kazakhstan context. An authoritarian regime must establish its legitimacy, or acceptance of the right to rule, among those on whom it depends on to retain its position (usually key elites and certain sectors of society). It must also maintain passive legitimacy among society at large. The presidents in Kazakhstan have opted primarily for legitimacy on instrumental rather than normative grounds.

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<sup>56</sup> Linz and Stepan (2001), *Problems of Democratic Transition and Consolidation*, p.80



## **Chapter - VI**

### **Conclusion**

The appropriate model for studying institutional change may be largely a matter of context. For situations in which competition will weed out inefficient institutions, institutional change is of relatively minor interest and the Transaction Cost view is likely to be appropriate. In micro-level situations in which changes in formal rules occur within a stable political context, and have relatively predictable effects on behavior, treating institutional change as an outcome of a political process, as in the hierarchy of rules approaches, has proven useful in many real-world settings. It is incomplete, however, because it cannot explain why some formal rules become effective and others do not. The equilibrium view of institutions provides a more complete theory by treating informal and formal rules within an integrated framework, and is therefore useful as a broad conceptual framework for understanding institutional change, particularly in cases in which changes in formal rules may fail to have their desired effects. However, it may introduce unnecessary complexity in the many real-world cases in which formal rules are relatively straightforward and effectively enforced. Finally, all of these theories can benefit from further theoretical and empirical work to clarify the role of cognition and bounded rationality in institutional change.

The Soviet Union disintegrated in 1991. Soon after the collapse the Soviet system, the five former Soviet Central Asian republics gained their independence. These states: Kazakhstan, Uzbekistan, Tajikistan, Turkmenistan, and Kyrgyzstan, have become both the object of international rivalries in Central Asia and the sources of new political forces as they act to enlarge their independence in world politics. Since independence the institutional change has been taking place in the region while there is no change in the method of governance. The entire method in Kazakhstan adopted new political institutions indicates the enduring strength of the Soviet system, to some extent than its awaiting failure. The establishment of electoral systems in Kazakhstan is in which the persistence of old formulas produced new institution. After the disintegration of the Soviet Union there are several institutional changes throughout continuity in Kazakhstan.

The transitional Kazakhstan successor states failed to democratize the institution. The institutionalizations process in Kazakhstan such as political changes throughout continuity in the context of power, perception and perspective in the regions.

In this study an attempt would be made to examine the structures of the government and political regimes in Kazakhstan within the parameters of mainstream theories. As Pauline Jones Luong (2004) has convincingly argue that Kazakhstan politics was portrayed as deeply affected by the totalitarian legacy and thus a strong domination of the state over society. Adherents of a “traditional model” claimed that Kazakh society had successfully resisted the penetration by the Soviet state, maintained its traditional informal rules of authority throughout the Soviet period and, thus, laid the ground for a resurgence of clan and tribal identities as the main carriers of legitimacy.

For the analysis of Kazakhstan post-Soviet political regimes and structures of governance, the dichotomy of formal/informal continues to play a crucial role. However, the governance in Kazakhstan is pervaded by informal rules and networks – be it clans, tribes, regional allegiances, traditional customs, religious values or other types of informal institutions that hold the potential to function in violation of existing formal rules. The ruling elites in Kazakhstan are also concerned with the issues of political change and the legitimacy of their rule. The domestic requirement to provide a basis for legitimacy derives from two considerations. First, legitimacy embodies the consent of the majority of the population, and it is easier to rule in conditions of compliance than to rely heavily on enforcement mechanisms. Secondly, international pressure and a fear of exclusion from the Western sphere of influence make ever more acute the need to be accepted as legitimate. With the break-up of the Soviet Union, independence was forced on the Kazakhstan rather than won by it. Political elites covered the benefit of political legitimacy that they might have gained from a struggle for independence. The respective leaderships were presented with a challenge of state-building in societies with no prior experience of existence as nation-states. Resolution of the multiple dilemmas involved in making.

Since the gaining of independence in 1991, the Republic of Kazakhstan has undergone a difficult transition from a command economy to market economy, embracing a democratic system of governance. The government had strongly promoted decentralized local governance and community development through the formation of local self-governing bodies and prominence on intensive mobilization of human resources and local capital at the grassroots level. Effective and sustainable local governance requires effective participation, not only in the institutional level rather at the community level. Community drive can be ensured by full participation through the local self governing institutions at the grassroots level. This helps people to enhance their capacities and work together for household and community initiative. Decentralization initiatives in Kazakhstan are geared toward developing the capabilities of local communities and local self-government at the village level.

After the disintegration of the erstwhile Soviet Union, the transition across its successor states has failed to produce institutional form that are dependable with the expectations and the nearly independent Kazakhstan republics. Policy makers in these republics have rejected the Soviet institutions throughout Kazakhstan. Moreover, the reemergence of pre-Soviet tribal divisions and the rise of Islamic radicalism; the violent outbreak of nationalism and ethnic conflict; or the adoption of democratic and market-oriented reforms have taken place in the region (Mehrdad: 1994). The ruling elites have established western style multi-party electoral system in the region.

The contributions suggest that Kazakhstan Republic has engaged in democratization. As requiring open contestation over the right to win control of the government, and this in turn requires free competitive elections, the results of which determine who governs. None of the presidents has been testing in free and fair elections. It is possible to have liberalization without democratization; however, Kazakhstan has engaged in liberalization. Liberalization in the early 1990s in Kazakhstan entailed a mix of policy and social changes, such as less censorship of the media, the introduction of religious tolerance, and most important, the toleration of opposition. By the end of the 1990s by the presidential regimes, had regressed and become increasingly repressive.

If the case studies confirm that Kazakhstan Republics can be seen to be democratization, that Freedom House's designation of states as transitional may ultimately not only be unhelpful but inaccurate since dynamic transformation may be over. These regimes may be durable (as many other authoritarian and corporatist states around the world have demonstrated). This argument about durability aside (it is simply too early to tell), they are nondemocratic. Linz and Stepan have identified four types of nondemocratic regimes: authoritarian, totalitarian, post-totalitarian and sultanistic. How relevant are these distinctions for Kazakhstan, authoritarianism? And to what extent do these distinctions matter?

In Linz and Stepan's typologies, we are left with a choice between authoritarianism and sultanism. In his seminal 1964 article 'An authoritarian regime: Spain', Linz defined his new category of authoritarian regimes as political systems with limited, not responsible, political pluralism, without elaborate and guiding ideology, but with distinctive mentalities, without extensive or intensive political mobilization, except at some points in their development, and in which a leader or occasionally a small group exercises power within formally ill-defined limits but actually quite predictable ones.

Authoritarianism differs from sultanism along the four dimensions of pluralism, mobilization, ideology and leadership identified by Linz. Under sultanism there is no rule of law, no allowance for a semi-opposition, no possibilities of pacts between regime moderates and democratic moderates, and no autonomous sphere of the economy or civil society. The different degrees of pluralism translate into the degree of mobilization found in both regimes: while there is little or no mobilization in authoritarian regimes, sultanistic ones have low but occasional mobilization manipulated by the sultan. Authoritarianism operates without an elaborate and guiding ideology but with distinctive mentalities; sultanism does not even have these mentalities (outside of despotic personalism), and relies instead on the personality cult of the ruler. Indeed, while 'the essence of sultanism is unrestrained personal rulership'; leadership in authoritarian regimes is formally ill-defined but nevertheless predictable. Linz and Stepan highlight how it is possible to have a mix of sultanistic and authoritarian tendencies at any one time

or at different times in one state. By the end of the 1990s, Kazakhstan had become authoritarian with limited liberalization.

The different typologies are essentially about how much power is institutionalized. John Ishiyama has formalized this relationship between power and institutionalization by characterizing the Kazakhstan Republics as neo-patrimonial authoritarian regimes. He highlights how neo-patrimonialism distinguishes them from other types of authoritarian regimes, particularly corporatist regimes: while the latter are characterized by the existence of an organic ideology of national unity and attempts at direct political mobilization along controlled bureaucratic channels, in neo-patrimonial systems personal patronage, rather than ideology or law, buttress personal authority. Like the classical patrimonialism described by Max Weber and Robin Theobald, the right to rule is ascribed to a person rather than an office. Drawing on Michael Bratton and Nicholas Van de Walle's distinctions of four types of neo-patrimonial regimes, Ishiyama contends that Turkmenistan corresponds to a personalist dictatorship; Tajikistan to an oligarchic neo-patrimonial regime; Uzbekistan to a plebiscitary single party model; and Kazakhstan and Kyrgyzstan to a competitive single-party neo-patrimonial regime.

As to whether these distinctions matter – whether there is a causal relationship between institutional choice and regime change. As Taras acknowledges, focusing on presidencies may not provide conclusive evidence as to their effects but it may give some sense of correlation. The findings of this volume would appear to support the correlations made by Timothy Frye in his article on institutional choice, where he demonstrates that higher presidential powers are positively correlated to more authoritarian regimes. The implications of Frye's analysis for downstream analysis are: presidential powers do lead to authoritarian regimes. Frye determines that the greater the presidential powers, the greater the authoritarianism.

The creation of new states in Kazakhstan poses substantial challenges for regime change, survival, order, legitimacy, and succession. The newly independent states are different politics to their Soviet predecessors. Presidential domination of these systems

has played a substantial part in shaping these states during their initial years of independence. This bond between leaders and led establishes the bedrock upon which a stable government can rest, and exerts a decisive effect on political continuity and institutional change.

Martha Brill Olcott argues that the issue of succession in the Caspian region is assuming three different models. The first is dynastic; the second democratic, relying on institutional development, and the third 'avoidance' of the succession question, however, Nazarbayev possibly appear to favor the first model. All three succession models present their problems. Robbins Burling establishes general 'theoretical claims' of political succession, of which three in particular seem relevant here: the establishment of a clear successor weakens current leadership; the absence of a clearly defined successor is an important source of political instability; and, centralization provokes succession struggles and sows the seeds of its demise. The declared intention of the president to step down may indeed have heightened the competition between prospective candidates. Also, in Burling's terms, naming of candidates should be avoided, and the presidents have so far managed this. The pursuit of centralization by Kazakhstan presidents – albeit with mixed outcomes – would, according to Burling, make for bitter elite struggles. The next years promise to be an interesting and decisive time for the succession issue.

Presidential succession will not necessarily usher in regime change, however. Authoritarian regimes elsewhere in the world have proven highly durable even when their presidents have departed. Only when alternatives are possible and desired, and the coercive powers of the incumbent regime decline, is regime erosion or collapse likely. As Linz and Stepan reinforce, it 'is not changes in the economy, but changes in politics, that trigger regime erosion'.

Changes in politics, as the discussion of post-Soviet Kazakhstan regime emergence, has highlighted, is likely to stem from three sources. These are from within the governing structures (either from the ruling elite or a moderate opposition within the elite), from mass mobilization; or from foreign influence. The previous discussion of

leadership has indicated that the elite within the regime rather than the state is the most likely source of regime change. The actors within the regime will vary from state to state. In Kazakhstan, elite divisions, both along political and economic, and along centralized and regional dimensions, will figure, with some input from a moderate opposition.

In sum, the dissertation highlights both similarities and differences in Central Asian leadership. This uniformity and diversity are a factor of agency and structure. The Kazakhstan Presidents have crafted institutions to retain power in the post-Soviet period, and they have done so with considerable success. The varying degrees of authoritarianism and effective leadership stem from the personalities, skills, sequencing, and policies. From this perspective, the contributions suggest that there is nothing predetermined about presidential regimes being authoritarian rather than actors' choices partly determine regime type. The uniform regression suggests the importance of viewing institutional choice as a dynamic.

Structure – in terms of the elite, society, and international environment – has also ushered in-homogeneity and heterogeneity. The degree of fragmentation of the elite in the Soviet era, and its transformation in independence has crucially shaped by the presidents' capacity and autonomy to act. Some contributors have argued that cultural factors play a decisive role. The degree of cleavages in these societies, especially those along clan, regional and demographic lines, has complicated leadership. The new forces of destabilization in Kazakhstan – drugs trafficking, porous or contested borders, and nascent terrorist insurgencies – have heightened the international factor in the presidential equation.

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