

31
MAY
2011

THE NAZARBAYEV CONSENSUS AND ITS LIMITS.

Kazakhstan: An irreversible road to democracy?

Nicolás de Pedro Researcher, CIDOB

In the election held on April 3, Nursultan Nazarbayev has been reelected President of Kazakhstan with an overwhelming 95.5% of the vote. As on previous occasions, the elections were not recognized as free and fair by the electoral observation mission of the OSCE (Organization for Security and Cooperation in Europe). Nevertheless, criticism, whether internal or external, has been scarce. Local opposition is limited and circumscribed to activities in favor of civil rights and to certain economic and intellectual elites concentrated, for the most part, in Almaty, the former capital. The international community, for its part, has supported, with more or less enthusiasm, the concession of a new term to President Nazarbayev by means of these early elections. The Kazakh President is a skillful manager of his foreign relations and, once again, the international dimension has been favorable to the consolidation of his regime. And this in the context of the revolts that are shaking up the Arab world and raising doubts about the suitability of supporting authoritarian regimes. However, a similar revolt is highly unlikely in the present-day Kazakhstan context. Popular support for the President is genuine. The prevailing economic prosperity and political stability are the principal endorsement of Nazarbayev before his citizens and also, by extension, vis-à-vis an international community worried by the gloomy outlook for the apparently stable, but foreseeable conflictive Central Asian Republics.

Still and all, here as in the rest of the former Soviet space, implicit in this excessive presidential power is the weakness of the local political system. Personalization and the concentration of power in the hands of Nazarbayev entail an institu-

tional fragility that generates uncertainty and implies risks. Some of these risks could even curtail the more ambitious perspectives for Kazakhstan's immediate future, perspectives which the Astana government feeds internationally by means of costly publicity and public relations campaigns. In an article published in the *Washington Post* three days before the elections, the Kazakh president went over the achievements of his country under his leadership and the grand expectations he harbored for a greater economic and social development in the current decade, while establishing as irreversible the country's road to democracy.¹ Despite the certainty that the President seeks to transmit, many questions remain. What does Nazarbayev mean by democracy? Is the Kazakhstani political model sustainable?

Chronicle of an Early Election

On December 23, 2010, a group of citizens from Ust Kamenogorsk, a mining city in the northeast, proposed to hold a referendum to extend the presidential term to 2020. The proposal initially garnered the support of the Assembly of the People of Kazakhstan and of the presidentialist party Nur Otan. Within just two weeks, the promoters of the initiative

1. "Kazakhstan's steady progress toward democracy", *The Washington Post*, March 31, 2011, available at http://www.washingtonpost.com/opinions/kazakhstan-steady-progress-toward-democracy/2011/03/28/AF1XPKCC_story.html

managed to collect more than 5 million signatures in support of the referendum. In a parallel direction, the Mazhilis, the local Lower Chamber, pushed for the introduction of a constitutional amendment that would allow for the extension of the presidential term. Apparently against the wishes of Nazarbayev himself, who referred the issue to the Constitutional Council, which, by late January, ruled against a possible referendum. In light of the situation, Nazarbayev proposed to hold early presidential elections as a solution in accord with the constitutional framework and able to offer a response both to popular demand and that of the Parliament.

On February 4th, the call for a presidential election only two months hence was made public. This would mean holding it almost two years before the foreseen date (December 2012). Of the twenty-two candidates who initially tossed their hats in the ring, only four were still registered after complying with the different requirements, including an exam in the Kazakh language (the language of the State), which five of them failed. Besides Nazarbayev himself, Gani Kasimov, of the Patriots' Party, Melis Yeleusizov, the independent candidate of Tabighat, an environmentalist organization, and Zhambyl Akhmetbekov, of the Communist People's Party (CPPK), participated in the presidential contest. The first two had already run in the 2005 presidential elections, in which they, like the CPPK candidate at the time, achieved poor results. Neither of them forms part of what is considered the genuine oppo-

Some observers see in the call for an early election a maneuver to leave the opposition, which was working towards a 2012 scenario, without room for reaction

sition, and they are known to support the President. As a result, the electoral process was barely perceptible. The decision of Nazarbayev himself not to launch a campaign, claiming that he had already introduced all his proposals in his January 28th message to the people², had a lot to do with this. Some opposition parties such as Azat or Ak Zhol refused to participate, while others, such as the unregistered Alga or the Communist Party, exhorted their voters to boycott the elections. This call to opposition had a meager impact. Participation in the April 3rd election neared 90% and Nazarbayev's victory was sweeping, giving him a new term. This time, a five-year term.

Thus far, the description of the chain of events. But where did this 'spontaneous', 'popular' initiative spring from? The group that launched the proposal in Ust Kamenogorsk was made up of businessmen, officials, and academics, but it is unclear how the movement was constituted or how leadership was established. In any case, the immediate support it received from the People's Assembly or from the Nur Otan party, two organizations headed up by Nazarbayev himself, in combination with the speed with which a record-

shattering number of signatures was gathered, suggest clear official backing for the initiative. In fact, at a round table celebrated in Chatham House, London, on February 18, Yermuhamet Yertysbayev, a presidential advisor, indicated that on December 3, 2010, an initial "serious conversation" about the idea had taken place when President Nazarbayev informed his collaborators that several lobbies and business people were pressuring him to call for a referendum.³ Similarly, remission to the Constitutional Council, an organism with no real independence, and the presidential proposal to move up the elections as a solution to the 'institutional and political crisis' they were posing, show an undeniable artificial flavour. As Nargis Kassenova, a Kazakhstani analyst, points out, it is more than probable that, from the beginning, this operation was planned in two stages with an eye to managing the international critiques that would undoubtedly have been generated by a referendum proposal. In this way, the same actors who would criticize the possibility of celebrating a referendum on the extension of the presidential term would find themselves obligated to support a call for early elections that would have been foreseen in advance.⁴

The reasons for advancing the election are less evident. In Kazakhstan, political disputes and grand confrontations usually take place behind the curtains of power, in such a way that the principal explanatory factors in the terms and political junctures rarely form part of public debate and are restricted to circles close to the presidential administration. According to its promoters, the referendum was necessary to guarantee stability and continuity, and to avoid, while they were at it, a superfluous outlay for elections in 2012.

Along the same lines, there are those who feel that the concession of a new term allows Nazarbayev to carry out a large economic reform package with the necessary tranquility. It also leaves his hands free to articulate a hypothetical succession in the mid-term. All in all, it is doubtful that the system can remain unaltered in the absence of Nazarbayev.

Some observers see in the call for an early election a maneuver to leave the opposition, which was working towards a 2012 scenario, without room for reaction. In the late 90's, Nazarbayev pulled a similar move when the presidential election planned for December 2000 were called for January 1999 with only three months' notice. If indeed in both instances the early elections created difficulties for the development of opposition projects, the fact is they were lacking in foundation and strength. Nor does there seem to be a causal relationship with the wave of revolts in the Arab world. The process that led to early elections was initiated before the outbreak of the crisis in Tunisia and by no means was it a response to avoid hypothetical demonstrations that would endanger the Nazarbayev regime, as Kazakh

2. Available at: www.akorda.kz/en/speeches/addresses_of_the_president_of_kazakhstan/r

3. "Recent Political Developments in Kazakhstan", Roundtable Summary 04/2011, Chatham House, available at www.chathamhouse.org.uk/files/18804_180211summary.pdf
4. Nargis Kassenova, "Kazakhstan: January-February 2011", March 2011, p.1, available at http://www.asiacentral.es/uploads/kazakhstan_jan_feb2011.pdf

activist Muratbek Ketabayev suggested in a conference at the European Parliament.⁵

In the absence of a real opposition in the election, and in light of the virtual nature of the rest of the candidacies, the only issue at stake was the percentage of voter turnout and support for the President. The elimination on the ballots of the traditional “Against all”⁶ alternative and a few accounts of mobilizations of voters by administrations and companies, suggest that an overwhelmingly positive electoral result was being pursued. Without a doubt, the extremely high figures for turnout and votes were a source of satisfaction for the President, who declared that they were proof of the support he enjoys. Nazarbayev indicated, moreover, that the people had voted for “stability, economic modernization, and unity.” In other words, a line of argument identical to the one he used following the 2005 presidential election. What we are calling the “Nazarbayev consensus,” the backbone of political life in Kazakhstan, is rooted in these elements.

The Nazarbayev Consensus and Its Limits

The political and institutional life of Kazakhstan develops within the parameters defined by the “Nazarbayev consensus,” supported by three pillars: a) political stability, b) economic prosperity, and c) inter-ethnic and inter-religious harmony. Customarily presented as examples of the successful history of independent Kazakhstan, all three must be evaluated beyond mere appearance and sloganeering.

a) Political stability

The positive valorization of political stability on the part of the Kazakhstani citizenry is strongly related to the gloomy prospects that were bandied about the viability of the country at the time of its independence in 1991. This stability is founded on the absence of change and conflict, but not on the predictability of the system. Hence, institutional weakness is the reverse of a system that concentrates all its power and legitimacy in the figure of the President. This systemic characteristic is the element that generates the greatest uncertainty regarding its sustainability. Is it viable in the absence of Nazarbayev? Is it a smooth and non-traumatic succession for the head of the State possible?

The Kazakhstani model has been characterized diversely as a “managed democracy,” an “authoritarian modernization,” or “presidential-parliamentary.” All these definitions try to capture the essence of a soft authoritarian regime that

has promoted a notable economic growth. In the past two decades, Nazarbayev has consolidated his position and control over a vertically integrated institutional structure, in which no decentralization exists and the separation of powers exists *de iure*, but not *de facto*.

Nazarbayev has won a referendum and four presidential elections. With the exception of the 2005 election, all of them have had percentages of voter participation in the vicinity of 90%; and, in all of them, except the 1999 election, Nazarbayev’s share of the vote has been over 90%. None of these votes has been recognized as free and fair by the OSCE, though successive observation missions have indicated improvements each time. Nevertheless, the improvement in electoral climate and procedures has been accompanied by an increase in the concentration of power in the hands of the President. On the one hand, through the establishment of a Parliament made to measure that includes, since the August 2007 parliamentary elections, only representatives from the Nur Otan party, presided, in turn, by Nazarbayev himself. On the other hand, by means of a series of constitutional amendments and the adoption of laws such as the one relative to the “Leader of the Nation,” which have broadened Nazarbayev’s prerogatives and privileges so that as “first president” he is not subject, for example, to the two-term limit, and could, potentially, occupy the office for life. In the event he could not perform his functions, the office would be assumed by the speaker

The Kazakhstani model has been characterized diversely as a “managed democracy,” an “authoritarian modernization,” or “presidential-parliamentary.” All these definitions try to capture the essence of a soft authoritarian regime that has promoted a notable economic growth

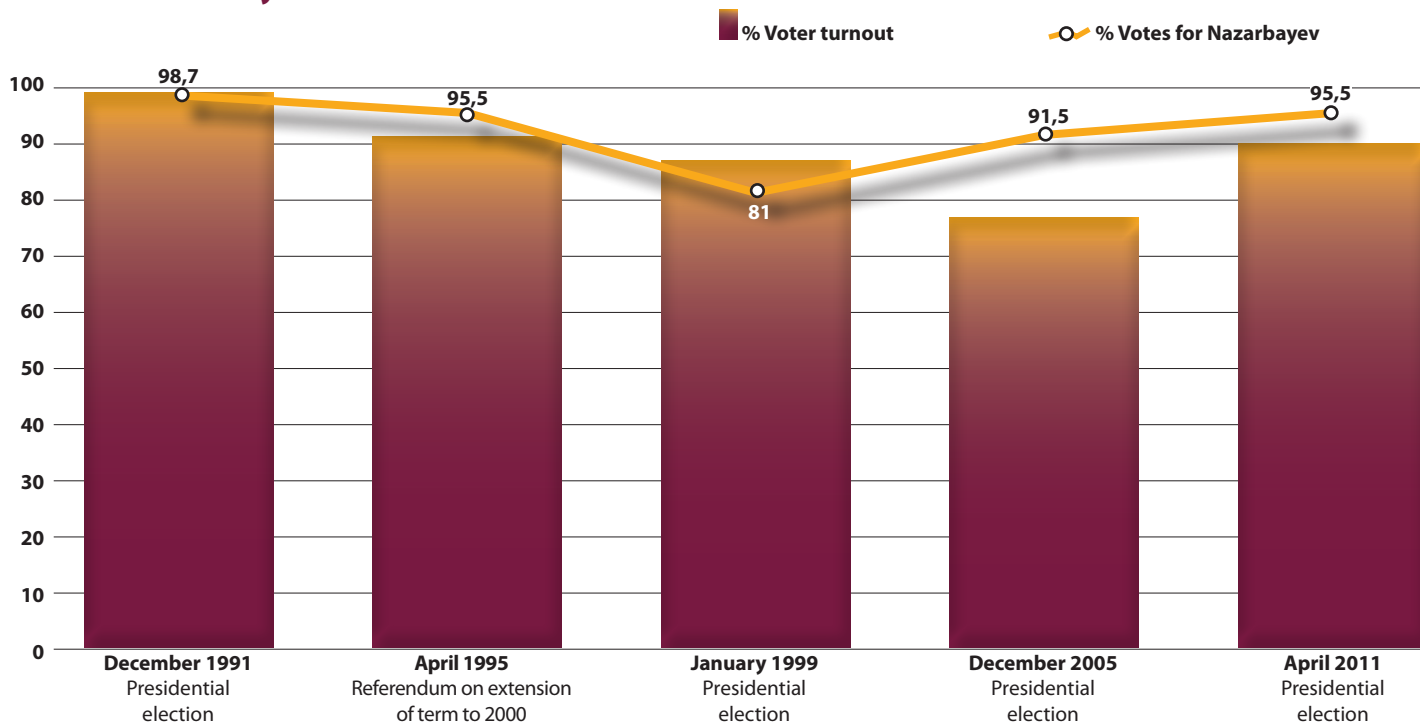
of the Parliament, who would be obliged to call for elections within three months. But the formal existence of the successory mechanism in a context of scant institutional legitimacy does not necessarily imply its viability. In this sense, the consolidation of Nazarbayev’s monopoly on power represents the principal risk in the middle term for the stability of Kazakhstan.

The Kazakhstani authorities accept the need to increase the country’s levels of plurality and to improve its instruments of governance, in order not to lose the regime’s international support either, which Nazarbayev is so sensitive to. Occasionally, the ferocity of behind-the-scenes struggles between members of the political and economic elite can be sensed. The President has acted as judge and jury in many of these confrontations, using them, in addition, to reinforce his own position. Nazarbayev has just as often resorted to co-opting his moderate critics as to repressing those who challenged his position, particularly if they came from the power structure. The best examples of this are the persecution suffered since 1998 by Akezhan Kazhe-

5. “Conference in EP on human rights in Kazakhstan”, *Otwarty Dialog*, available at <http://www.odfoundation.eu/en/NEWS/73/>

6. “Protiv vsiej” is a customary formula on ballots in all the former Soviet sphere, and is the equivalent of a blank vote.

Table 1 . Nazarbayev's victories



geldin, former prime minister, or the imprisonment in 2002 of both Mukhtar Ablyazov, former minister of energy, and Galymzhan Zhakiyanov, former governor of Pavlodar, both of whom were founders in November 2001 of the reformist movement Democratic Choice of Kazakhstan. To this list must be added the shady assassinations of two well-known opposition figures, Zarmanbek Nurkadilov in November 2005, and, most particularly, of Altynbek Sarsenbayev in February 2006. The local authorities, in turn, usually argue that what should be weighed above all is the direction the country is moving in ("the irreversible road to democracy"), and not where it currently is, bearing in mind the decades of Soviet experience. Still, in the face of Kazakhstan's political-institutional evolution over the past two decades, it is legitimate to pose the question of where the country is heading to.

In the days immediately following the elections there has been a series of declarations about greater openness. President Nazarbayev has announced a progressive decentralization of power, though providing no details about how or when. The prime minister, Karim Masimov, whose position has been confirmed, has spoken of the need to include more parties in Parliament and of his intention to reform electoral law so that the second most-voted party, regardless of the number of votes it gets, can accede to the Chamber. Yertysbayev, the presidential advisor mentioned before, has indicated that the establishment of a two-party system inspired by the Anglo-Saxon models can be satisfactorily implemented in under five years and, in this way, it will "not depend on the wishes of only one person but would also be able to function in his absence." Similarly, he has given

indications of the possible sociological composition of the second party.⁸ But the emphatic top-down control that impregnates the entire initiative generates doubts about its viability in a post-Nazarbayev scenario.

b) Economic prosperity

The economic transformation of Kazakhstan provides President Nazarbayev's greatest endorsement. For twenty years, economic growth has been sustained. In the last decade, the country has grown at a rhythm close to 10% until the 2008 crisis, and per capita income has doubled, placing Kazakhstan in the number two spot of the former Soviet space, trailing only Russia. In his speech to the nation on January 28th, Nazarbayev began precisely by mentioning that per capita GNP had reached 9,000 USD. This economic success has a lot to do with the country's abundance of natural resources: petroleum, gas, uranium, and many other minerals. But the importance of the adoption of a reform agenda in the early 90's, which gave rise to a profound process of privatizations and the modernization of the banking sector, among others, must not be underestimated. The results reinforced Nazarbayev's position, as he pushed for those measures against the reluctance of a considerable sector of the old-guard Soviet *nomenklatura*, which put its weight behind a more timid and gradual opening-up.

Diversification and competitiveness are two of the great challenges faced by the Kazakhstani economy. Both are issues typically associated with economies in which the exportation of raw materials bears a considerable weight. The Kazakhsta-

7. Najibullah, Farangis: "Who Would Succeed Kazakh President Nazarbayev?", Radio Free Europe/Radio Liberty, April 22, 2011, available at www.rferl.org/content/who_succeed_kazakhstan_president_nazarbaev/9502683.html

8. "Kazakhstan could create two-party system within five years, says presidential advisor", Central Asia Newswire, April 6, 2011, available at <http://centralasianewswire.com/Kazakhstan-could-create-two-party-system-within-five-years-says-presidential-advisor/viewstory.aspx?id=3746>

Table 2. Principal milestones in the process of concentration of power

June 1989 Nazarbayev is elected first secretary of the Kazakhstan Communist Party
December 1991 Nazarbayev only candidate in the presidential election. Independence is declared.
March 1995 Nazarbayev dissolves Parliament and governs by decree. At the same time, the Assembly of Peoples of Kazakhstan is constituted by presidential initiative
April 1995 Referendum for the extension of the president's terms until December 2000
August 1995 A new Constitution is approved by referendum. 90% in favor, with a 90% turnout
October 1998 The Parliament adopts a series of constitutional amendments that reinforce presidential powers
May 2007 Introduction of new amendments to the Constitution. Nazarbayev can, potentially, occupy the presidency for life.
August 2007 Parliamentary elections. All disputed seats are won by Nur Otan, the presidentialist party
May 2010 Parliament approves a law naming Nazarbayev "Leader of the Nation" and broadens his powers and immunity

ni government has frequently declared its intention to create a robust production system in the country. To this end it has adopted diverse programs of industrialization and innovation. Its proximity to China represents an enormous challenge. Cross-border commerce has skyrocketed in the last ten years, and it is a great economic engine that produces wealth on both sides of the border. Nevertheless, in time a pattern with hints of colonialism has taken shape, in which China imports oil and its derivatives, metals, copper, and uranium and exports consumer goods such as clothing, shoes, appliances, or food. There is a widespread fear in Kazakhstan of turning into an economic province of China.

Another great challenge is the fight against corruption, which, among other issues, limits development and reduces opportunities for business. The perception of high levels of corruption limits, for example, the number of foreign companies with the capability and the resources to invest in the local market, and also constrains the development of small and mid-sized local businesses. The close relationship between political and economic elites determines the political nature of this issue. Thus, for example, the creation of the Democratic Choice of Kazakhstan Party in 2001 by a group of politicians and businessmen had a great deal to do with their concern about the growing appropriation of economic resources by members of the President's family. Still and all, despite its being common knowledge, the corruption question has only a moderate impact on the popular support for Nazarbayev. Many consider personal enrichment to be consubstantial with the office of Chief of State. 'He's the President, after all,' is an oft-repeated phrase. There is also a widespread notion that such enrichment is reproachable but that the arrival of a new president would be worse because he would not be concerned with the citizenry until he had amassed his own fortune. The corruption that irritates the people is the kind that shows up on the lower rungs of power and has a direct impact on their daily life.

Despite it all, a significant majority of the citizens of Kazakhstan are convinced that the future of their country is promising. This is, beyond any doubt, the great success of Nazarbayev. The narrative of 'Kazakhstan 2030,' an ambitious national development plan approved in 1997, has deeply penetrated the collective imaginary and serves as a palliative for day-to-day difficulties. To maintain this spirit it will be indispensable to achieve a more equitable redistribution of wealth and a broader spectrum of participation in economic growth that will allow for the expansion of the emerging middle class. Socio-economic unrest is at the root of some of the most significant protests of recent years. Moreover, there is growing irritation among a sector of (ethnic) Kazakhs who have migrated from the countryside to the cities and who, under the influence of nationalist rhetoric, feel victimized by the better conditions of other ethnic communities with a longer urban tradition.

c) Inter-ethnic and inter-religious harmony

Inter-ethnic harmony and religious tolerance are a reality in Kazakhstan and a source of pride for many of its citizens. President Nazarbayev often makes reference to Kazakhstan's "own unique model of unity and integration in an ethnically and culturally diverse society." Moreover, it is one of the principal instruments of legitimation used by the Kazakhstani regime in the face of external actors. This is a question that must be examined from three points of view: as a personal success of the President, as conceptually counterproductive, and as a source of parallel institutional legitimacy.

In all probability, Nazarbayev is very conscious of the risks that an increase of ethnic tension would entail for the country. Throughout these two decades he has never tired in his public exhortations for tolerance and respect. Nevertheless, it should be noted that the majority of the enthusiastic analysts who highlight the results take off from a debatable premise, the assumption of the inevitability of conflict. That is, they assume

that, given the multiethnic nature of Kazakhstani society, conflict was, or even still is, inevitable. Whence they deduce that if there has been no conflict it is because the President has averted it. But the fact is that, despite it all, there has not been a single serious flare-up of inter-ethnic conflict, beyond some occasional and localized outbreaks. On the contrary, what generates most uncertainty in this arena is the conceptual maintenance of the Soviet policy of nationalities, which places ethnicity at the axis of state-building and distinguishes explicitly between ethnicity and citizenship. It should be kept in mind that 'inter-ethnic harmony' is the reverse of the policy of Kazakhification that confers a preeminent position and a firm command of the politics and economy of the country on ethnic Kazakhs. The law forbids the creation of parties on the basis of ethnic criteria and any incitement to xenophobia is sanctioned. However, this same approach promotes the articulation of society under ethnic lines and impedes the emergence of civic identities and loyalties.

Despite it all, a significant majority of the citizens of Kazakhstan are convinced that the future of their country is promising. This is, beyond any doubt, the great success of Nazarbayev.

It is worth noting that the promotion of this inter-ethnic harmony is related, as well, to the search for a parallel source of institutional legitimacy. The Assembly of the Peoples of Kazakhstan was created in March 1995, practically at the same time that the President dissolved the Parliament. This represented a crucial first step in his concentration of power. The new Chamber has been presided over by Nazarbayev ever since then and it facilitates his appeal to a legitimacy based on his personal charisma. The members are elected through an opaque process on a regional and local scale through associations that gather together members of the principal ethnic groups. The Chamber, which meets only once a year, has no real independence and its function is purely advisory.

For all these reasons, this is an unresolved question and one that could reemerge in exacerbated form in the middle term. At that stage, the lack of plurality and institutional legitimacy will reveal a critical dysfunctionality. Still, the Kazakhstani regime uses the rhetoric of 'inter-ethnic harmony' in the face of external pressures calling for greater democratization. Subtle pressures, in general, as the Nazarbayev regime enjoys notable international support.

What can we expect?

For the moment, substantial changes are not foreseeable, beyond the reform of the electoral law with an eye to the 2012 parliamentary elections. It remains to be seen if the decentralization proposal and the promises of a progressive opening of the political space will acquire real content. The question of succession is still off the agenda. As a result, the uncertainties about the viability of the system in a post-Narbayev scenario will persist.

An increasingly conflictive regional environment can also affect internal stability. Kyrgyzstan and Tajikistan are undergoing an accelerated process of decomposition; in Uzbekistan it is unlikely that the situation can continue as is in the middle term and perhaps even in the short term if the protests called for the summer are successful; and, in Afghanistan, a worsening in the civil war or some type of neo-Taliban regime would appear to be the most probable scenarios after the withdrawal of the U.S and ISAF troops. This is why Nazarbayev will retain his international support. His multivectorialism in international policy, which is nothing more than a way to turn necessity into virtue, is another success story and has been key to the consolidation of his regime. With differing nuances, the US, the EU, and the member states gave their support, for example, to the recent call for elections. Even though their influence is moderate, it will be crucial that these actors do not remove entirely the issue of democratization from their

bilateral agenda with Kazakhstan. And this is so despite the fact that, when managing political tempos in Kazakhstan, internal necessities always take precedence in Nazarbayev's mind over external climate or demands. His geopolitical calculations have functioned, and there is

reason to imagine that for the time being this will continue to be true. The consolidation in the spring of 2007 of a possible life presidency was no obstacle few months after to Kazakhstan's obtaining the desired presidency of the OSCE for 2010. Similarly, the recent call for early elections was rolled out almost on a parallel with the summit conference of the OSCE in Astana.

In general terms, the trajectory of independent Kazakhstan can be considered a success story. Nevertheless, institutional strength and legitimacy are the only true guarantee of predictability and stability. The charismatic and socioeconomic legitimacy of Nazarbayev will be sufficient as long as he remains as President, but it does not offer the necessary guarantees for the future.