

Ethnicity and Elections under Authoritarianism: The Case of Kazakhstan

著者	Oka Natsuko
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**Ethnicity and Elections under
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Natsuko OKA*

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Abstract

Despite the ethnicisation of power since independence in 1991, Kazakhstan has managed to maintain political stability without experiencing large-scale mobilisation to oppose Kazakh domination. This paper examines government strategy to avoid ethnic voting in an attempt to explain why ethnic divisions were rarely reflected in the struggle for power in the republic. While the arbitrary use of legal provisions considerably limited participation in elections by ethnic leaders, powerful pro-president parties that exhibited a cross-ethnic character were created to curtail ethnically based movements. The control strategy in elections aimed not simply at ethnicising the parliament in favour of Kazakhs, but at having loyal Russians and other minorities represented in the legislature through nomination by the president and catch-all pro-regime parties, or through the presidential consultative body—Assembly of the People of Kazakhstan. This well-controlled representation of minorities served not only to placate non-Kazakhs but also to provide legitimacy for the Kazakh-dominated leadership by projecting the image of cross-ethnic support for the president and some degree of power-sharing.

Keywords: ethnic minority, election, Kazakhstan

* Research Fellow, Area Studies Center, IDE (oka@ide.go.jp)

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INSTITUTE OF DEVELOPING ECONOMIES (IDE), JETRO
3-2-2, WAKABA, MIHAMA-KU, CHIBA-SHI
CHIBA 261-8545, JAPAN

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Introduction

Following the collapse of the Soviet Union in 1991, the ruling elites in Kazakhstan, as in other non-Russian republics, started the ethnicisation of political power.¹ This was the most effective means by which to overcome the imperial legacy of the Soviet Union and to show who owned the newly independent state. In Kazakhstan, the greatest risk of Kazakh monopoly or predominance in state organs was considered to be the opposition of ethnic Russians, who, at the time of independence, numerically competed with Kazakhs. It was often assumed that Russians were unlikely to reconcile themselves to minority status in independent Kazakhstan, and that an ethnic Russian rebellion against the government would invite potentially disastrous interference from neighbouring Russia. In fact, Kazakhstan has experienced little ethnic conflict since independence. Indeed, in the early 1990s Russians challenged government policies regarding the status of the Russian language and dual citizenship with the Russian Federation. Since the mid-1990s, however, ethnic issues have rarely been raised in public, not to mention Russian separatist demands.

Why has Kazakhstan managed to maintain political stability without experiencing large-scale mobilisation to oppose Kazakh domination? While this puzzle has been explored from different aspects, such as political weakness of ethnic identity² and manipulation of mass psychology,³ this paper deals with Kazakhstani government strategy focusing on co-optation of the non-Kazakh elite to explain why ethnic divisions are rarely reflected in the struggle for power sharing. To that end, this paper analyses elections, in which the co-optation strategy of Kazakhstan's power elite is most explicitly revealed, and examines the ways in which ethnic voting has been prevented under Nazarbaev's authoritarian regime. But before doing so, post-independent

¹ There are several empirically grounded accounts on this point. See, for instance, Cummings (2005: 69-72).

² On the weak and diffused identity within the Russian community, see Melvin (1998; 1995). For Luong (2002), what depoliticised ethnic division was regionalism, which served as a mechanism to resolve conflict in a peaceful manner.

³ Building on the concept of cultural framing, Schatz (2000) contends that a discursive frame deployed by Kazakhstan's power elite, which he calls 'internationalism with an ethnic face,' served to avoid mobilisation along ethnic lines by glossing over contradictory practices of ethnicisation and civic nation-building.

developments of the parliamentary system are demonstrated below, with reference to the process of concentration of power in the hands of incumbent President Nursultan Nazarbaev.

1 Parliamentary System of Independent Kazakhstan

If asked to evaluate Kazakhstan by democratic standards, few would argue that this country should receive a failing mark. Despite the formal introduction of democratic institutions after independence, developments in Kazakhstan politics have increasingly revealed the nondemocratic character of this regime. Based on the definition by Juan Linz (1970), who first conceptualised the authoritarian system of government, Uyama (1996) argues that Kazakhstan's political regime immediately following the Soviet collapse could be categorised as 'semi-democratic authoritarianism,' but after the spring of 1995, it became a typical authoritarian regime.⁴ Cummings (2005: 22-29) also sees 1995 as a watershed year, when initial liberalisation came to an end and consolidation of power by the president began. While Nazarbaev repeatedly referred to democratic reforms and advocated strengthening the role of parliament and political parties, the retreat from democratisation proceeded unabated.

In post-Soviet Kazakhstan, universal suffrage is guaranteed but none of the presidential or parliamentary elections can be considered fair or free.⁵ There has been no regime change; Nazarbaev was elected president without alternative candidates or by winning an overwhelming victory (eighty to ninety percent of the votes cast), and his term has been repeatedly extended by referendum and constitutional amendments. Despite the formal introduction of a plural party system, the parliament has been

⁴ See also Uyama (2004) for his detailed analysis on political regimes in Central Asian states. The Freedom House annually publishes a survey on global political rights and civil liberties, assessing both in each country on a seven grade scale (a rating of 1 indicates the highest degree of freedom and 7 the least amount of freedom). Each pair of political rights and civil liberties ratings is averaged to determine an overall status. Those whose ratings average 1.0-2.5 are classified as 'free,' 3.0 to 5.0 'partly free,' and 5.5 to 7.0 'not free.' Kazakhstan was rated as 'partly free' from 1991 through 1993, but since 1994 its ranking has been downgraded to 'not free,' with political rights rating 6 and civil liberties 5. See 'Freedom in the World Comparative and Historical Data,' available at <http://freedomhouse.org> [accessed in March 2009].

⁵ For example, see OSCE/ODIHR election reports (OSCE/ODIHR: 2004, 2006, 2007).

increasingly dominated by pro-president parties, whose programmes differ little from one another. Since the dissolution of the Supreme Soviet in March 1995, the opposition has been virtually excluded from the legislature. Officially guaranteed freedom of assembly is practically restricted, as the Ministry of Justice, with which political parties and associations are obliged to be registered, often refuses or annuls the registration of oppositional organisations. Although the involvement of the authorities is not always clear, there have been a number of cases in which opposition politicians and journalists were physically attacked, or even assassinated.⁶ Freedom of speech is also limited. Soon after independence, critical comments addressed to the government or even president could often be found in the mass media. Beginning in the mid-1990s, however, relatives of the president began to gain control over major TV, radio, and newspaper companies. A provision on the inviolability of honour and dignity of the president (Article 46.1) of the 1995 Constitution has often been ill-used to pressure the mass media and oppositional figures.

Nursultan Nazarbaev, the first (and so far only) president of independent Kazakhstan, was appointed to the post of First Secretary of the Communist Party of Kazakhstan in June 1989. In April 1990, he was elected the republic's first president by the Supreme Soviet. On 1 December 1991, Nazarbaev was again elected president, this time directly by the citizens of Kazakhstan. This was shortly before Kazakhstan's Supreme Soviet adopted a Law on Independence on 16 December 1991. In the early 1990s, Nazarbaev was known as a progressively-minded, reformist leader who allowed active debate in parliament and the expression of a variety of opinions in the mass media. This was in stark contrast to Kazakhstan's Central Asian neighbours such as Turkmenistan or Uzbekistan, both of which cracked down on opposition and suppressed freedom of the press soon after independence.

The early post-Soviet indications of liberalisation, however, soon paved the

⁶ The most well-known politicians who were killed or died in highly suspicious circumstances are Zamanbek Nurkadilov and Altynbek Sarsenbaiuly (Sarsenbaev). Nurkadilov, former mayor of Almaty and governor of Almaty *oblast*, was found dead in November 2005. Sarsenbaiuly had held several ministerial and ambassadorial posts before he joined *Nagyż Ak Zhol* in 2003. He was one of *Nagyż Ak Zhol*'s co-chairmen at the time of his death in February 2006.

way for a concentration of power in the hands of President Nazarbaev. Within a three and a half year period following independence, Kazakhstan's parliament was dissolved twice in a rather irregular manner, events which most likely reflected the intentions of the president. In December 1993, the twelfth Supreme Soviet, which had been elected in Soviet times (April 1990) declared 'self-dissolution', delegating its full power to the president. The thirteenth Supreme Soviet was elected soon thereafter, in March 1994, with its seats reduced by half. The first parliamentary elections in independent Kazakhstan had a specific feature that both the opposition and the then Conference for Security and Co-operation in Europe (CSCE) criticised as undemocratic: out of one hundred and seventy seven seats, forty two were to be elected from a state list (*gospisok*) that consisted of sixty four candidates nominated by President Nazarbaev. In March 1995, the thirteenth Supreme Soviet was again dissolved by a decision of the Constitutional Court that ruled the elections of the previous year unconstitutional.⁷ As a result, parliamentary power was again delegated to the president.

Nazarbaev effectively used this parliamentary hiatus to strengthen his power. In March 1995, the Assembly of the Peoples of Kazakhstan (APK), a presidential consultative body that had been established less than a month before, proposed a referendum on extending the president's term to December 2000. The referendum was held in April 1995 and was approved by an overwhelming majority. In August of the same year, another referendum was called to adopt a new constitution, which again was supported by an absolute majority. The 1995 Constitution made Kazakhstan a presidential republic, vesting the president with broad authority. It also replaced the Soviet-style Supreme Soviet with a two-chamber four-year-term parliament. The *Mazhilis*, or the lower house, had sixty seven seats elected in single-member districts, and most members of the *Senat*, or upper house, were indirectly elected by *maslikhats* (*oblast* or provincial parliaments) while seven seats were directly nominated by the president. (For the parliamentary system of Kazakhstan and its changes since 1995, see Table 1.) The new parliament was elected in December 1995 without meaningful

⁷ The Constitutional Court considered an appeal from a parliamentary candidate who lost the 1994 election. For more details, see Uyama (1996), and Dixon (1996: 97-103).

participation by the opposition.

Following Nazarbaev's annual message to the people of Kazakhstan in September 1998, in which he advocated political and economic reforms in the new millennium, the parliament adopted constitutional amendments in October 1998. These resulted in extending parliamentary terms (the *Senat* to six years and the *Mazhilis* to five years), and the partial introduction of proportional representation in the *Mazhilis* (ten seats were added to be elected in a nationwide district under a proportional representation system). In return, parliamentary members took decisions favouring the incumbent president: the presidential tenure was extended from five to seven years; the date for presidential elections was advanced to January 1999 from December 2000; changes were made to the age limits for candidates by eliminating the upper limit of sixty five years and raising the lower limit from thirty five to forty. This last amendment appears to have been made considering the age of Nazarbaev, who was born in 1940.

The January 1999 presidential elections, contested for the first time by more than one candidate, resulted in a landslide victory for Nazarbaev.⁸ As a result of the following *Mazhilis* elections in October 1999, the seats were distributed among pro-president parties such as *Otan* ('Fatherland' in Kazakh)⁹ and the Civic Party (*Grazhdanskaia partiia*),¹⁰ and non-partisans who support the president. From the opposition, only the Communist Party won representation—three seats. The opposition was even less successful in the 2004 September-October *Mazhilis* elections: The *Ak Zhol* ('Bright Path' in Kazakh) Party received only one seat,¹¹ while all remaining seats

⁸ The ex-premier Akezhan Kazhegeldin, who was viewed as the main competition to the incumbent, was denied registration as a candidate for a trivial violation of the electoral law. Kazhegeldin was prosecuted for attending a meeting that was organised by an unsanctioned movement, For Fair Elections, in October 1998. The Constitutional Law on Elections prohibited registration as a presidential candidate for a person who received an administrative penalty within one year prior to registration (Article 4.4).

⁹ On *Otan* Party, see section 2.

¹⁰ The Civic Party was founded in November 1998 and claimed to represent the interests of the industrial sector. Its leader Azat Peruashev was Deputy General Director of Aluminium of Kazakhstan, Kazakhstan's largest producer of aluminium.

¹¹ After the 2004 *Mazhilis* elections, *Ak Zhol* gave up its seat in protest against unfair elections. In February 2005 its leadership split into two separate parties, namely *Ak Zhol* and *Nagyzy* ('true' in Kazakh) *Ak Zhol*, both of which claimed to be the party's legitimate successor. In February 2006, the leadership of *Ak Zhol* changed its previous position and its leader Alikhan Baimenov

were distributed among pro-regime *Otan*, *AIST* (an election bloc consisting of the Civic Party and Agrarian Party¹²), *Asar* ('Mutual Help' in Kazakh) headed by Dariga Nazarbaeva, daughter of Nazarbaev,¹³ and self-nominated candidates. In both cases, the authorities ignored calls to annul the elections, which the opposition insisted were manipulated and rigged.

Meanwhile, in the summer of 2000, pro-president parliamentary members proposed a Constitutional Law on the First President, which was successfully adopted in both chambers and subsequently signed by Nazarbaev himself in July of that year. Ostensibly drawn up to secure basic continuity in domestic as well as foreign policy, this law in fact provided Nazarbaev with political and material privileges after his retirement. Together with such prerogatives as initiating key policies on domestic issues and international and security concerns that would require consideration by government officials, the law guaranteed the First President a seat in the Constitutional Council and the Security Council as well as the chairmanship of the APK for life. The law also guaranteed immunity for the president and his property.

Considering these developments, Nazarbaev's overwhelming victory in the 2005 December presidential election came as no surprise to observers at home and abroad. This enabled him to serve a third term as president (if his terms in Soviet times are not counted). The constitution ruled that one and the same person cannot be elected president more than twice in succession (Article 42.5). However, Nazarbaev was allowed to run for election by the logic that this constitutional article was to be applied only for the terms after the 1995 constitution.

Following 2007 constitutional amendments that made substantial changes to the parliamentary system, early elections of the *Mazhilis* were held in August 2007, two years before its term expired. The most distinct change was abolishment of single-member constituencies and introduction of indirect election from within the APK in the *Mazhilis*, which we will discuss in detail in section 3. It is worth noting here that

assumed the post of *Mazhilis* deputy.

¹² The Agrarian Party (established in early 1999) advocated improvement of infrastructure in rural areas, tax reforms in the agrarian sector, and so forth.

¹³ *Asar* was founded in October 2003.

Table 1 Parliamentary System of Kazakhstan, 1995-2007

	Chambers	Term	Quorum	Voting System
December 1995- September/ October 1999	<i>Senat</i> (the upper chamber)	4 years	47 (half of 40 seats elected every 2 years)	40 elected indirectly by <i>maslikhats</i> or provisional parliaments (2 each from 19 <i>oblasts</i> and Almaty)[1], 7 nominated by the president
	<i>Mazhilis</i> (the lower chamber)	4 years	67	All seats directly elected in single-member electoral districts
September/ October 1999- August 2007	<i>Senat</i>	6 years	39 (half of 32 seats elected every 3 years)	32 seats elected indirectly by <i>maslikhats</i> (2 each from 14 <i>oblasts</i> , Astana and Almaty), 7 nominated by the president
	<i>Mazhilis</i>	5 years	77	67 seats directly elected in single-member electoral districts, 10 seats chosen under the proportional representation system in a national electoral district by party lists [2]
August 2007-	<i>Senat</i>	6 years	47 (half of 32 seats elected every 3 years)	32 seats elected indirectly by <i>maslikhats</i> (2 each from 14 <i>oblasts</i> , Astana and Almaty), 15 nominated by the president
	<i>Mazhilis</i>	5 years	107	98 seats directly elected under the proportional representation system in one national electoral district by party lists, 9 seats indirectly elected from within the Assembly of the People of Kazakhstan [3]

Note 1: Due to the expiry of the two-year term for half of the *Senat* deputies, elections were held in October 1997. Because of *oblast* restructuring in the spring of that year, new senators were elected from fourteen *oblasts* and from the city of Almaty. Following the relocation of the capital in December 1997, two *Senat* deputies were elected from Akmola (present Astana) in February 1998.

Note 2: The Election Law (revised in May 1999) stipulated that deputy mandates were to be distributed in strict accordance with the sequence of candidates in the party list (Article 97-1, Section 4). The June 2007 amendment to the Election Law gave party leadership more discretion in the distribution of gained seats. According to the revised article, the leading organ of the party decides who should be elected among candidates in the list arranged in alphabetical order.

Note 3: In 2007, the Assembly of the Peoples of Kazakhstan was renamed the Assembly of the People of Kazakhstan. For details, see section 3.

Sources: Parliament of the Republic of Kazakhstan (<http://www.parlam.kz>); the Constitution and Election Law of the Republic of Kazakhstan.

this parliamentary reform was once again combined with amendments favouring Nazarbaev: he is now allowed to seek re-election as many times as he wants. Article 42.5 of the constitution stipulating that one and the same person cannot be elected president more than twice in succession is accompanied by the wording: ‘this limitation is not applied to the First President of the Republic of Kazakhstan.’ The presidential term that had been extended to seven years in 1998 was again set at five years (Article 41.1), but this five-year term will be applied to presidents elected after 2012, when the term of the incumbent president will expire.

2 Political Parties

In Kazakhstan, the end of the single-party dictatorship of the Communist Party of the Soviet Union in March 1990 and the break-up of the Communist Party of Kazakhstan (CPK) in September 1991 did not lead to the emergence of ethnic parties. The Socialist Party, the legal successor to the CPC, practically avoided ethnic issues, and focused almost exclusively on economic and social problems (Melvin 1995: 111).¹⁴

Re-established by a group of people who opposed the CPK’s reorganisation into the Socialist Party in the fall of 1991, the Communist Party enjoyed more support among Slavs than among Kazakhs.¹⁵ However, this has perhaps more to do with differences in age structure by ethnicity, not with ethnicity in itself; the Communist Party had strong supporters among pensioners, where Slavs predominated over Kazakhs. The People’s Congress Party, headed by Olzhas Suleimenov, leader of the anti-nuclear Nevada-Semipalatinsk movement that enjoyed nationwide support during the *perestroika* era,¹⁶ was not nationalist either (Schatz 1999). Suleimenov defended Kazakh culture and traditions, but he himself wrote poetry in Russian, and he attached great importance to the relationship between Kazakhstan and Russia and considered himself a ‘Eurasianist’ (Aiaganov and Kuandykov 1994: 6-7).

¹⁴ See Babakumarov (1994: 17-19) for the programme of the Socialist Party.

¹⁵ According to sociological research conducted by the Information Centre of the Supreme Soviet in 1994, more than fifty percent of party supporters were Russians, while 22.7 percent were Kazakhs, and 13.6 percent were Ukrainians (Babakumarov et al. 1995: 59).

¹⁶ The People’s Congress Party was born on the eve of the dissolution of the Soviet Union.

Ethnic parties or movements never became influential in parliament. Before ethnically based parties were banned (see below), a Kazakh nationalist party *Alash* participated in the 1999 *Mazhilis* elections but failed to pass the seven percent threshold in a nationwide district elected by party-list (it did not participate in single-member constituencies). It should be noted, however, that the Slavic movement *Lad* achieved a certain success in the mid-1990s; in the 1994 Supreme Soviet elections *Lad* managed to send four of its members and eight closely linked candidates to the legislature (Melvin 1995: 114).

Why are ethnic parties weak in Kazakhstan? In other words, why are all major parties—pro-regime or opposition—not based on ethnicity? Setting problems that exist within ethnic movements aside, let us consider here the strategy of the Nazarbaev administration to avoid the emergence of ethnic parties, or raising ethnic issues in general during election campaigns. There have been two means exploited for that purpose: one is the legal control imposed on ethnically based political organisations, and the other— the creation of catch-all parties that claim to represent the interests of all nationalities from above.

Constitutional and Legal Restrictions

Kazakhstan's first Constitution, adopted in 1993, banned political parties based on religion (Article 58). While there was no article directly addressing ethnic parties, Article 55 prohibited the establishment and activities of public associations (*obshchestvennye ob"edineniia*) that proclaim or practise racial, ethnic, social, and religious intolerance. The 1995 Constitution inherited these principles; religious parties were banned (Article 5.4), and public associations kindling social, racial, ethnic, religious, class, or clan hostility were prohibited (Article 5.3). The 1996 Law on Political Parties had the same provisions that prohibited religious activities and instigation of ethnic antagonism (Article 5.6 and 5.7). But again, it did not ban explicitly ethnic parties themselves.

Here, a distinction between political parties and public associations needs to be drawn. According to Kazakhstan's legal framework, political parties are considered a

sub-category of public associations. In the first years of independence, all public associations were regulated by the Law on Public Associations of the Kazakh Soviet Socialist Republic, passed in June 1991.¹⁷ In 1996, separate laws on political parties and on public associations were adopted, and both were allowed to take part in elections. It was only in April 2004 that the election law was amended to limit the right to nominate candidates for the *Mazhilis* to political parties (Article 87). In addition, political parties alone were entitled to participate in elections under the proportional representation system that was introduced in 1999.

The constitutional provision against kindling ethnic antagonism was effectively used to silence activists, among others, those who called for unification of the northern regions of Kazakhstan with Russia. Another popular means for controlling ethnic organisations was the Law on Public Associations, and other related legislation that regulates their activities. Public associations must register with the Ministry of Justice, and are obliged to submit a written application in advance to the local administration in order to hold public meetings and demonstrations. The authorities made frequent use of ethnically neutral provisions to pressure ethnic movements, by rejecting or annulling registration, and refusing permission for gatherings.

The abovementioned constitutional and legal regulations not only allowed the authorities to obstruct the activities of ethnic organisations, but also effectively forced movement leaders to curtail their activities. Any activities that the authorities considered ethnically extreme could be, based on the constitution, punished; any attempt to publicly put ethnic issues on the agenda could be labelled the instigation of ethnic hatred. The ban on the promotion of interethnic intolerance was in fact stretched to bar oppositional candidates from running in elections.¹⁸ Thus, activists were forced to exercise discretion so that they would not be accused of marring interethnic accord.

In July 2002, the newly adopted Law on Political Parties definitively banned

¹⁷ The only substantial difference was the conditions for registration with the Ministry of Justice. The Law on Public Associations obliged political parties to have three thousand members (Article 13), while no such hurdle was set for other public associations.

¹⁸ For example, in the 2004 *Mazhilis* elections, two Uzbek candidates from electoral District 63 (the South Kazakhstan *oblast*) were de-registered due to comments they made that allegedly incited ethnic hostility (OSCE/ODIHR 2004: 18).

ethnic parties.¹⁹ The law stipulated that the ‘establishment of political parties on the basis of professional, racial, national (*natsional’naia*), ethnic (*etnicheskaia*), and religious affiliation of citizens’ is not allowed (Article 5.8). Moreover, it prohibited political parties from indicating ethnic or religious characteristics, or using the names of historic figures in party names (Article 7.2). It also made it illegal to limit party membership according to professional, social, racial, tribal, ethnic, or religious affiliation (Article 8.6).

Indeed, on the eve of the adoption of the new Law on Political Parties, it was the tightening of conditions for registration,²⁰ not the ban on ethnic parties that gave rise to the most heated debate. The 2002 Law stipulated that a political party should have a membership of no less than fifty thousand, and should establish branches in all of the fourteen *oblasts* (provinces) as well as Almaty and Astana, each branch with no less than seven hundred people (Article 10.6); no less than one thousand people representing two thirds of the fourteen *oblasts*, Almaty and Astana should call a founding conference (Article 6.1). At the same time, these clauses effectively prevented the emergence of political movements that would enjoy strong support from a particular region, which serves, in Kazakhstan’s ethno-demographic situation, as an indirect restraint on ethnically based parties. It should be noted here, however, that the majority of political parties in Kazakhstan did not have distinct regional orientations even before the tightening of requirements for party registration.²¹

Catch-all Pro-presidential Parties

As Cummings (2005: 104) has correctly noted, Nazarbaev created top-down catch-all parties such as the Party of People’s Unity of Kazakhstan (PPU) and the Republican Political Party *Otan* (‘Fatherland’ in Kazakh), to curtail ethnically based movements. The Union of People’s Unity of Kazakhstan, the predecessor to the PPU, was formed in

¹⁹ This move was obviously instigated by the registration of the Russian Party of Kazakhstan (*Russkaia partiia Kazakhstana*) in April 2002. For details, see Oka (2003: 480-482).

²⁰ The 1996 Law on Political Parties required holding a founding congress with no less than ten people (Article 6.1), and having no less than three thousand members who represent no less than half of all *oblasts* (Article 10.4).

²¹ Some opposition parties enjoyed more support among the urban electorate.

the run-up to the March 1994 parliamentary elections and was reorganised into the party in February 1995.²² Its leadership included members of the Socialist Party, People's Congress Party and high-ranking officials. Although not formally heading it himself,²³ President Nazarbaev demonstrated his support for the Union of People's Unity by attending its first congress in October 1993 (Aiaganov and Kuandykov 1994: 5-6, Babakumarov 1994: 21-22). In the 1994 and 1995 parliamentary elections, the Union/Party of People's Unity formed the strongest faction in the national legislature.²⁴

During the electoral campaign for the 1999 January presidential elections, the PPU and other pro-government parties and movements established a new party *Otan*. At the first party congress held in March 1999, Nazarbaev was elected chairman of the party but soon resigned, and appointed Sergei Tereshchenko, former Prime Minister, as acting chairman.²⁵ In the 1999 *Mazhilis* elections, *Otan* held one third (twenty four out of seventy seven in total) of the seats, while in 2004 it secured more than a half (forty two out of seventy seven) of the seats in the lower chamber of parliament. Having absorbed *Asar*, Civic and Agrarian Parties, and renamed itself *Nur Otan* in 2006, the party, now headed by Nazarbaev himself,²⁶ gained all ninety eight directly elected seats in the 2007 *Mazhilis* elections. As Melvin (1995: 115-116) pointed out regarding the Union of People's Unity, the creation and electoral success of these pro-presidential parties served to neutralise non-Kazakh political and economic elites who joined their ranks.

Naturally, the position of these presidential parties on the nationality question mirrored the official policy of the state.²⁷ Both the PPU and (*Nur*) *Otan* advocated

²² PPU's official registration with the Ministry of Justice was in March 1993.

²³ The 1993 Constitution stipulated that the president should not hold any post in public associations (Article 77).

²⁴ In the thirteenth Supreme Soviet, the faction of the Union of People's Unity had thirteen deputies. In the 1995 *Mazhilis* elections, twenty four candidates (of them, twelve were party members) supported by the PPU were successfully elected. See Brif (2001).

²⁵ This was due to the constitutional provision that prohibited the participation of an incumbent president in political party activities (Article 43.2).

²⁶ Following the 2007 constitutional amendments that abolished Article 43.2, Nazarbaev officially assumed the chairmanship of *Nur Otan* in July 2007.

²⁷ For PPU's programme, see Aiaganov and Kuandykov (1994). *Otan's* party programme was downloaded at its website (<http://www.party.kz/program.shtml> [accessed in November 2005]).

interethnic accord, equality of all ethnic communities, and Kazakhstan patriotism based on citizenship, while acknowledging the special rights of Kazakhs for national self-determination on the territory of Kazakhstan. During the election campaigns, however, the pro-presidential parties downplayed this dualism and emphasised their transethnic character, claiming that they represented the interests of all ethnic groups.²⁸

For the opposition, this official principle of ethnic equality was difficult to challenge. Analysing the programmes of the political parties that participated in the 1999 and 2004 parliamentary elections, Kazakhstani scholars concluded that attitudes toward the nationalities question were practically identical across the parties, with the exception of the Kazakh nationalist party *Alash* (Kurganskaia and Sabit 2000; Kurganskaia 2005). General principles such as equality among ethnic groups, interethnic accord, and opposition to ethnic discrimination were mentioned in all the programmes, yet they failed to specify the means to be applied, for example, what laws should be adopted or what institutions should be established in order to achieve these goals.²⁹ ‘All parties ... limit themselves to outlining the ethnic problems and none has gone as far as suggesting specific ways and methods for their settlement’ (Kurganskaia 2005: 78). This can be explained, as Kurganskaia rightly suggests, by the complicated nature of a problem that demanded detailed and substantial examination, and, perhaps more importantly, politicians’ fear of losing the support of a particular group or groups of the electorate by taking a definite position on the ethnic issue, a stance which almost inevitably means taking sides with one or another of competing ethnic communities. Generally, this holds true for political parties and movements (with the exception of nationalist ones) that functioned in the early years of independence (Kusherbaev 1996: Chapter 7, Aiaganov and Kuandykov 1994).³⁰

²⁸ *Otan*’s election posters included pictures of different nationalities, such as Kazakhs, Russians, Koreans and Uighurs, with comments on why they support *Otan*. Author’s observation in Almaty, September 2004.

²⁹ Kurganskaia and Sabit (2000: 37) pointed out that the only exception was the Republican People’s Party whose programme referred to a Law on the Basis of Interethnic Relations, but no details of this proposed law were given. The Republican People’s Party was one of the opposition parties that took part in the 1999 elections (in single-member constituencies only; the party boycotted the election in a nationwide constituency of proportional representation).

³⁰ Kusherbaev (1996: 139) writes that the People’s Congress Party, the People’s Cooperative

3 Balancing Act from Above

Domination of Kazakhstan’s parliament by ethnic Kazakhs has often been referred to as evidence of ethnicisation of power and discrimination against minorities. Table 2 shows the ethnic composition of the elected members of the parliament (after 1995, the lower chamber of the parliament, *Mazhilis*, only). As these figures clearly demonstrate, the share of ethnic Kazakh deputies in the legislature is considerably higher than that of the Kazakh population as a whole,³¹ and its percentage has been growing.

Table 2 Ethnic Composition of Kazakhstan’s Parliaments, 1990-2007

Elections Date	The Number of Seats				Percentage of Total		
	Kazakhs	Russians	Others	Total	Kazakhs	Russians	Others
April 1990[1]	193	127	31	351	55.0	36.2	8.8
March 1994	105	48	24	177	59.3	27.1	13.6
Dec. 1995[2]	42	19	6	67	62.7	28.3	9.0
October 1999	58	19	0	77	75.3	24.7	0.0
Sept./Oct. 2004	61	15	1	77	79.2	19.5	1.3
August 2007[3]	82(1)	17(1)	8(7)	107(9)	76.6	15.9	7.5

Note 1: Galiev et al. (1994) divide deputies into three groups: Kazakhs, Slavs, and others. Thus, the exact number of Russians is unknown. For convenience sake, the number of Slavs is indicated in place of Russians here.

Note 2: ‘Others’ includes one deputy whose ethnic background is unknown.

Note 3: The numbers in parentheses indicate those who were elected from within the Assembly of the People of Kazakhstan.

Sources: Galiev et al., (1994: 49-50), Bremmer and Welt (1996: 190), Dave (1996: 37), Oka (2000: 82-83), Nurmukhamedov and Chebotarev (2005), the website of the Parliament of the Republic of Kazakhstan (<http://www.parlam.kz>), the website of the President of the Republic of Kazakhstan (<http://www.akorda.kz>).

As Kazakhstan’s central or regional election commissions do not publish data on the ethnic composition of each constituency, it is very difficult to analyse voting behaviour of the electorate by ethnicity. In addition, repeated criticisms of irregularities in vote counting meant that officially announced election results might not reflect the

Party, communists, and socialists supported the idea of granting state language status to Russian, but there are no such references in their party programmes compiled in Aiaganov and Kuandykov (1994) (the programme of the People’s Cooperative Party is missing).

³¹ The 1999 census registered the share of Kazakhs as 54.3 percent of the total population of the republic. According to the latest data, this figure increased to 59.2 percent (2007).

preferences of the voters correctly. These informational constraints preclude identification of the structural reasons for Kazakhs' overrepresentation in the parliament. But evidence suggests that overrepresentation of Kazakhs is not necessarily a result of systematic discrimination against all non-Kazakhs. In fact, the ruling elite allowed loyal candidates of ethnic minorities to be successfully elected, while also barring others from running for the legislature.

Nominating Russians

Analysing the 1994 Supreme Soviet election results, Bremmer and Welt (1996: 188-190) pointed out that President Nazarbaev used the state list (almost a quarter of seats were elected out of a list of candidates compiled by the president, see section 1) not only to increase his supporters' chances of gaining seats, but also to manipulate the legislature's ethnic composition; in many cases, the state list was used to have at least one Russian elected from a Kazakh-dominated *oblast* and vice versa.³² It also made a point of listing representatives of non-Russian minorities who otherwise tended to be underrepresented.³³ On this point, Melvin also argues that candidates on the list included a significant number of non-Kazakhs, whose subsequent election 'provided a powerful counterweight to the emergence of independent settler [Russian-speaking] politicians' (Melvin 1995: 116). Indeed, an analysis of the voting pattern of the deputies elected from the state list demonstrated that they did not expound the interests of the non-titulars any more than other deputies did. Instead, they tended to be more supportive of the nationalities policy of the government.³⁴

Here, the ethnic backgrounds of candidates and winners of the 2004 *Mazhilis* elections are examined, using detailed information provided by Nurmukhamedov and Chebotarev (2005). According to this data, among those who won the election in

³² Forty two deputies elected based on the state list represented the then nineteen *oblasts* and two cities with republican status, Almaty and Leninsk.

³³ The ethnic composition of those elected among the party or self-nominated deputies and presidential nominees was as follows: Kazakhs—59.3 and 59.5 percent, Russians—29.0 and 21.4 percent, and others—11.9 and 19.0 percent, respectively (Bremmer and Welt 1996: 190).

³⁴ This research was conducted by Nurbulat Masanov, a Kazakhstani political scientist. For details, see Kolstø (1998: 66).

single-member districts, Kazakhs comprised 79.1 percent, and Russians—20.9 percent. Among the candidates, the percentage of Kazakhs was 77.5, while Russians—16.1. Thus, the share of Kazakhs was already disproportionately high at the time of standing for parliament.³⁵ In the 1994 elections, there were widespread accusations that Russian ethnic movements, among others, members of *Lad*, were arbitrarily denied registration (Bremmer and Welt 1996: 188), but ten years later these organisations were almost invisible in election campaigns, a phenomenon to which government control strategy has undoubtedly contributed. The Russian activist Fedor Miroglov (2005: 16) explains Russians' passiveness towards the 2004 elections by their sceptical attitude and distrust of the state. If this view is correct, the Russian population may have become even more apathetic about politics in the course of a decade. Meanwhile, all other non-Kazakh candidates lost the election, as was also the case in 1999.

As mentioned above, in the 2004 *Mazhilis* elections all seats in single-member districts were won by pro-presidential parties and independent candidates. The fact that all Russian election winners belonged to pro-Nazarbaev parties suggests that their success greatly depended on their loyalty to the regime.³⁶ At the level of *oblasts*, pro-regime parties obviously took the ethnic factor into consideration: in *oblasts* with a relatively high percentage of Russians, these parties actively put forward Russian candidates for the legislature.³⁷ The election results also reflected the geographic diversity of ethnic distribution in Kazakhstan. In the regions with relatively large Russian populations, such as the North Kazakhstan *oblast* (49.8 percent in the 1999 census), the city of Almaty (45.2 percent), and the East Kazakhstan *oblast* (45.4

³⁵ Among those whose registration as a candidate for the elections was rejected, it did not appear that a particular ethnic background operated to one's disadvantage. However, some individuals may have received unofficial pressure not to run for the elections at all.

³⁶ These included *Otan*, *Asar*, and AIST, an election block formed by the Civic Party and Agrarian Party.

³⁷ There is evidence that the opposition also demonstrated their sensibility to ethnic structure of the electorate. In the 2003 elections in Almaty city *maslikhat*, the opposition formed an interethnic election bloc Alma-Ata into Pure Hands! (*internatsional'naia platforma Alma-Atu v chistyie ruki!*), whose candidates represented a variety of ethnic groups residing in Almaty. Interview with Petr Svoik, co-chairman of *Azamat*, 13 September 2003. This information was confirmed by two other informants who ran for the Almaty *maslikhat* election: Anatolii Kuzevanov, activist of *Lad* (23 September 2003) and Emma Iugai, a Korean candidate (25 September 2003).

percent), the number of Russian winners exceeded that of Kazakhs. Conversely, in the *oblasts* and the city of Astana where all those who won electoral office were Kazakhs,³⁸ the Kazakh population comprised a clear majority of the population, with the sole exception of the capital Astana where ethnic Kazakhs did not form a majority.

Minority Representation Institutionalised

As shown above, we have indications suggesting that the president and ruling parties have been trying to maintain a certain ethnic balance in the parliament by nominating non-Kazakh, pro-regime candidates. In 2007, the representation of ethnic minorities was for the first time institutionalised through the Assembly of the People (originally ‘Peoples’—see below) of Kazakhstan.

The Assembly of the Peoples of Kazakhstan (APK, *Assambleia narodov Kazakhstana*), a presidential consultative body, is touted by the Kazakhstani regime as a good example of successful policy-making on the nationalities question. The APK was founded by presidential decree on 1 March 1995 in order to develop practical recommendations for ethnic consolidation, as well as to assist the president in his role as guarantor of the rights and freedom for all ethnic groups. By this decree, the primary tasks of the APK are to preserve interethnic accord and stability within the state; to develop proposals for conducting state policy in ways that foster friendly relations among the nationalities residing in the territory of Kazakhstan; and to assist in their spiritual and cultural revival and development based on equal rights. Seven years later, the Nazarbaev administration boasted that the tasks set before the APK at the period of its establishment had been ‘as a whole completed.’³⁹ A new Regulation on the Assembly of the Peoples of Kazakhstan approved in April 2002 suggested that the APK should now work for the formation of ‘the Kazakhstani identity’ (*kazakhstanskaia identichnost’*) by consolidating ethnic groups around the principle of Kazakhstani

³⁸ The *oblasts* of Aktobe, Almaty, Atyrau, Zhambyl, Kyzylorda, Mangistau, and South Kazakhstan. In these *oblasts*, ethnic Kazakhs constituted between sixty and ninety percent of the total population.

³⁹ The Strategy of the Assembly of the Peoples of Kazakhstan for the Middle Period (until 2007), approved by Presidential Decree, 26 April 2002.

patriotism, and with ‘a pivotal role of the state [i.e. Kazakh] language and the culture of the Kazakh people.’

According to APK procedures, President Nazarbaev, APK’s chairperson, directly appoints two deputies and makes the final decision on who should be granted membership or excluded from the APK. The APK consists of representatives of the state organs, as well as various ethnic and other public associations. A full session of the APK is to be called no less than once a year, and a standing organ—the Council (*Sovet*) of the Assembly consisting of APK members conducts work between APK sessions. Its working organ is part of the presidential administration.⁴⁰ In the regions, small assemblies (*malye assamblei*) are organised under the *Akim* (governor)’s chairmanship in each *oblast*, as well as in Almaty and the new capital Astana (since the relocation of the capital).

Officially declared purposes and missions notwithstanding, the most important functions of the APK are supervising affiliated ethnic organisations and co-opting their leaders. It sought to depoliticise ethnic movements by closely observing their activities so that they would not overstep ‘safe’ boundaries, such as the teaching of and publishing in ethnic languages, holding cultural events like ethnic festivals and performances by dance troupes. At the same time, by providing a variety of incentives, the APK effectively co-opted activists of ethnic movements. Affiliated organisations of the APK as well as of small assemblies in the regions were often (if not always) provided with financial resources and office space. More importantly, through central and regional assemblies, their members could secure a direct route to appeal to the president and *Akims*. Thus, the APK functioned as a field for official as well as unofficial negotiations between the state and ethnic elites.⁴¹ Another important function was to afford individual ethnic elites a certain social status; in addition to the honourable orders that

⁴⁰ Originally it was called the executive secretariat, later renamed simply the apparatus (*apparat*) in 2002. The original version of the presidential decree on the APK did not specify the state organ to which the executive secretariat belonged. The amendment made in April 1998 put the APK under the aegis of the Ministry of Information and Social Accord, but in October 2000 it became part of the Presidential Administration.

⁴¹ Issues discussed in such negotiations were not limited to purely linguistic or cultural matters; distribution of official posts appears to be one of the most important issues.

APK members were frequently awarded, the APK member title itself served to enhance an individual's influence or political voice in community.⁴²

Not surprisingly, a large majority of leaders of the ethnic organisations under the APK were members of pro-presidential parties. During election campaigns, they demonstrated their loyalty to the regime by mobilising their respective communities in support of pro-regime candidates irrespective of ethnic background, rather than candidates of their ethnicity (Oka 2006: 236-237).

From the time of its establishment, the APK, despite its being no more than a consultative organ under the president, has been used to create the image of all nationalities enjoying equal representation at the state level. As we have seen above, at its first session, in March 1995, the APK unanimously adopted a resolution to hold a referendum on extending the president's term to December 2000. As the Supreme Soviet had been dissolved soon after Nazarbaev created the APK, the APK made this recommendation in the name of Kazakhstan's people as if it were a substitute for the parliament. But it was the 2007 constitutional reforms that officially institutionalised the role of the APK in the legislature.

The constitutional amendments of May 2007, proposed by Nazarbaev and approved two days later by the parliament, were allegedly made to strengthen the role of the parliament. The most distinct change came in the structure of the *Mazhilis*, the lower chamber of the parliament: the number of its deputies was increased from seventy seven to one hundred and seven; the sixty seven single-member constituencies were abolished, and instead, ninety eight (previously ten) seats were chosen under the proportional representation system, and nine were elected directly from within the APK (Article 51.1). Furthermore, the president nominated fifteen upper chamber deputies, rather than seven as had previously been the case, 'considering the necessity to secure representation of national-cultural and other significant interests of society in the *Senat*' (Article 50.2).⁴³

⁴² Several leaders of ethnic organisations interviewed by the author mentioned this point.

⁴³ The 1995 Constitution established the two-chamber parliament and gave the president the right to nominate seven members of the upper house. During the parliamentary elections held in the same year, the head of the Central Electoral Commission justified this nomination system by

Following this reform, the president dissolved the *Mazhilis* in June 2007 and called for early elections on 18 August. These elections resulted in an overwhelming victory for the presidential *Nur Otan* party, which won nearly ninety percent of the vote and gained all ninety eight directly elected seats, leaving no seats for other parties. The elections from within the APK, held separately on 20 August, were a *de facto* vote of confidence as the APK had nominated only nine candidates, the exact number to be chosen from the Assembly.⁴⁴ Undoubtedly, the deputies representing the APK contributed to diversification of the ethnic composition of the *Mazhilis*; the number of ethnic groups represented in the lower chamber increased from three to nine.⁴⁵ Yet the lower house was dominated by ethnic Kazakhs, and the number of Russian deputies continued to decline (see Table 2).

On 29 August, Nazarbaev appointed eight senators to fill the newly added seats to be nominated by the president. As discussed above, the enlargement of the number of presidential appointees was justified by the necessity to secure the representation of a variety of social groups. However, the introduction of the eight new members did not have a significant impact on ethnic representation in the upper house; except for Iurii Tskhai, President of the Association of the Koreans in Kazakhstan, and a deputy of Slavic origin, it appears that all other deputies had Kazakh family names.

Thus, under the pretext of institutionalising ethnic representation in the parliament, President Nazarbaev in fact increased the number of deputies whom he could appoint. Though representing their respective ethnic communities, deputies from the APK were, as fifteen senators nominated by the president, also presidential appointees, and this combination served to strengthen the influence of Nazarbaev—the APK chairman for life with the authority to appoint its members, in the legislature. In other words, ethnic representation was institutionalised at the expense of democracy in

the necessity to ensure representation of ethnic and other group interests (Kolstø 2004: 172). The 2007 constitutional amendments made specific reference to this idea for the first time.

⁴⁴ Ethnic backgrounds of those elected were as follows: Balkar, Belorussian, German, Kazakh, Korean, Russian, Uighur, Ukrainian, and Uzbek. The elected Uzbek deputy was Rozakul Khalmuradov, Chairman of the Republican Association of Social Unions of Uzbeks *Dostlik*.

⁴⁵ Successful candidates chosen by proportional representation included a German candidate, who was the sole non-Russian, non-Kazakh elected deputy.

Kazakhstan.

Meanwhile, the 2007 constitutional reforms brought another change to the Assembly of the Peoples of Kazakhstan; it is called the Assembly of the People of Kazakhstan (*Assambleia naroda Kazakhstana*).⁴⁶ APK Deputy Chairman Sergei Diachenko explained the reason for using ‘people’ in the singular as follows: ‘In these years [since the APK was founded in 1995] we have indeed transformed into the people of Kazakhstan.’⁴⁷ What is stressed here is not assimilation of non-Kazakhs into the Kazakh nation, but the formation of a multiethnic Kazakhstani people whose members identify themselves with the Republic of Kazakhstan irrespective of their ethnic background. In the sixteen years since independence, it indeed seems that a sense of Kazakhstani identity has been growing. However, the new title for the Assembly does not suggest that such an identity has been fully established—after all, identity building is a long-term process and it is difficult to tell when the process has been completed. Rather, by applying the singular ‘people’ the government seeks to boast that President Nazarbaev has successfully integrated a variety of ethnic groups into a civic Kazakhstani nation.

Conclusion

This paper demonstrated how the Nazarbaev administration has carefully de-ethnicised elections through restrictive measures as well as co-optation. The arbitrary use of constitutional and legal provisions (and the self-restraint exercised by candidates who were afraid of being accused of inciting ethnic hatred) considerably limited participation in elections by ethnic organisations and leaders. In 2002, ethnic parties were themselves banned. In seeking to avoid ethnic voting, however, these oppressive methods were combined with the formation of powerful pro-president parties that exhibited a cross-ethnic character. The control strategy in elections aimed not simply at ethnicising the parliament in favour of Kazakhs, but at having loyal Russians and other minorities

⁴⁶ As a result of the 2007 amendments, the Constitution for the first time specified the status of the APK.

⁴⁷ Programma ‘Betpe Bet,’ 24 May 2007, *Khabar*, www.khabar.kz [accessed in June 2007].

represented. Although the parliamentary seats have been increasingly occupied by Kazakhs, Non-Kazakhs managed to secure a certain level of representation in the legislature by joining catch-all pro-regime parties, winning the personal support of the president, or through the presidential consultative body—Assembly of the People of Kazakhstan. As a result, during parliamentary elections in Kazakhstan, ethnic issues were rarely addressed. Instead, election campaigns served as a stage on which cross-ethnic support for Nazarbaev was played out.

This well-controlled representation of minorities serves not only to placate non-Kazakhs without undermining the regime, but also to provide legitimacy for the Kazakh-dominated leadership by projecting the image of some degree of power-sharing. The Nazarbaev administration has increasingly used the notion of a Kazakhstan model of interethnic relations as the basis for legitimacy in the international system. The political leadership of the republic has shown enormous enthusiasm for advertising the successful cross-ethnic consolidation and unified support for the president. For Kazakhstan, interethnic accord has almost become a quasi state ideology. The Palace of Peace and Accord, a sixty two-meter-high pyramid-like building completed in the fall of 2006 in front of the presidential residence in Astana, symbolises Nazarbaev's ambitions to be a globally recognised leader who has made great contributions to the peaceful co-existence of peoples with different ethnic, cultural and religious backgrounds. Kazakhstan has made much of this 'model' in its bid for the rotating chairmanship of the Organisation for Security and Co-operation in Europe (OSCE). While failing to fulfil its commitment to individual liberties and free and fair elections, Astana tried to appease the OSCE by demonstrating that Kazakhstan satisfies its criteria over the issue of minority protections. In November 2007, Kazakhstan was successfully elected to chair this organisation in 2010. It remains to be seen whether President Nazarbaev carries out political reforms to live up to its chairmanship of the OSCE, or consider that international community approved his policy and continues to concentrate power in his own hands.

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