



Feature Article
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Kazakhstan's June Referendum: Accelerating Reform

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The violence of January 2022 exposed both the demand for greater change in Kazakhstan's society, as well as elite conflicts involving influential forces seeking to block President Kassym-Jomart Tokayev's reform initiatives. As President Tokayev emerged from the crisis with greater authority over the country's governing institutions, he fast-tracked a political reform package planned for later in the year, and submitted it to a nationwide referendum scheduled for June 5. The changes envisaged accelerate the pace of reform in the country, but remain within the fundamental paradigm of top-led gradual change to the system that has been Tokayev's intention since his election in 2019. Conditions for their implementation will not be easy, given a difficult economic and geopolitical environment. Still, these reforms represent a shift: while earlier reforms sought to build participatory and competitive politics only very slowly at the local level, the current reform package envisages a gradual liberalization of the political system at all levels in order for the system to maintain its legitimacy.

On March 16, 2022, Kazakhstan's President Kassym-Jomart Tokayev addressed the nation. In this speech only weeks after the January violence that shook the country, Mr. Tokayev announced the building of a "New Kazakhstan," launching political reforms that he argued would create "an effective state with a strong civil society." Subsequently, he set a referendum on constitutional amendments for June 5.

President Tokayev launched his tenure in office as a time for reform, but the circumstances of his tenure have not been easy. He came to power in 2019 during a time of economic troubles resulting

from the 2014 fall of the oil price and the mutual sanctions regimes imposed by the West and Russia on each other. Shortly after he took office, the Covid-19 pandemic swept the world, generating further challenges for Kazakhstan's economy. Just as the pandemic was abating, Russia began to amass troops on the Ukrainian border, while issuing statements that put in question the whole post-cold war European security order. Then, in early January, public protests in western Kazakhstan expanded to the rest of the country and turned violent, triggering the country's deepest crisis since independence.

This was the background of President Tokayev's March 16 speech, and June 5 referendum. These reforms were not unexpected: the Kazakh leadership had communicated its intention to launch a new package of political reforms in September 2022. Given the circumstances, President Tokayev resolved to accelerate these reforms, and very likely made them deeper and more comprehensive than originally planned.

Despite some critical voices demanding even deeper reforms, public support for these reforms would appear a foregone conclusion. How-

ever, the reforms and the context surrounding them raise several questions. First, how much of a departure are they from previous reform packages? Second, are they as far-reaching as Mr. Tokayev suggests, sufficient to build a "New Kazakhstan"? Third, what further reforms should be considered in order to strengthen the reform agenda? These are some of the questions that inform the present analysis.

Kazakhstan's Reform Agenda

The reform efforts that guided Kazakhstan's development since its independence until 2019 were dictated almost entirely by the personality of the country's First President, Nursultan

Nazarbayev. These led on one hand to a clear vision for advancement, but on the other hand, to the citizens' disenchantment with the country's non-inclusive political system. In 1991, Nazarbayev mobilized Kazakhstan's energy sector to establish an economy independent of the Soviet system. The global financial crisis in 2008, how-

ever, revealed the vulnerabilities to which such dependence on fossil fuels exposed

Kazakhstan's economy, and

Nazarbayev sought radical reform to diversify the economy. In 2012, a new vision,

"Kazakhstan 2050," was launched with the aim of bringing Kazakhstan into the world's 30 most developed countries by 2050. The ambitious plan required economic diversification and political democratization; yet Nazarbayev was vocal in his intention to bench efforts toward the latter in order to first prioritize advancement in the former. As a result, criticism of authoritarian rule in Kazakhstan deepened not only within the international community but among Kazakhstan's citizens. In 2019, Kassym-Jomart Tokayev replaced the First President and promised to begin making concurrent progress toward both political and economic reform. Despite Tokayev's guarantees, many were skeptical given the lasting,



President Tokayev Addressing Parliament, March 6, 2022.

surreptitious influence that Nazarbayev maintained on Kazakhstan's polity through his role as Chairman of the country's Security Council, and the absence of any indication that the First President had changed his attitude toward political reform. These fears, compounded by the perception of widespread corruption within the bureaucracy and dissatisfaction with the pace of political reform, grounded many of the frustrations that Kazakhstani citizens maintained in the early years of Tokayev's presidency.

Kazakhstan 2050

The "Kazakhstan 2050" agenda set out ambitious goals for political and economic reform in the country. The 2012 plan envisioned Kazakhstan's entry into the world's 30 most developed nations by 2050 and it outlined seven separate strategies to achieve that goal, including the modernization of economic policy, entrepreneurial development, social policy, education and professional training, democracy and governance, foreign policy, and Kazakh patriotism. While all these strategies underpin each reform package that has been released since 2012, economic and political reforms maintain the strongest continuity in succeeding reform packages.

Economic policy, entrepreneurial development, and education/professional training each received separate strategies, but ultimately all

served the same end goal: to diversify and modernize the Kazakh economy away from fossil fuel exports toward advancement in technology and finance. Specific reform initiatives toward this end have included investment in infrastructure, revitalization of manufacturing industries, development of the agricultural industry, management of natural resources and of state-owned assets, establishment of favorable business and legal environments, and the creation of innovation spaces like the Astana International Financial Center.

The plan for reforming Kazakhstan's polity included an equally comprehensive list of goals: improvement of state planning, decentralization of power, election of rural mayors, developing a professional state apparatus, establishment of a more efficient public-private sector interface, reinforcement of systems towards law and order, fighting corruption, and reformation of law enforcement bodies and special agencies. Like the economic reforms, the political goals laid out here remain central to reform packages that have been released since the 2050 strategy was originally announced. One key difference between the economic and political reforms, however, is that Nazarbayev stated his intent to develop "economy first, then politics."¹

¹"Address by the President of the Republic of Kazakhstan, Leader of the Nation, N.Nazarbayev 'Strategy Kazakhstan-2050': new political course of the established state'," Akorda.kz, December 14, 2012.

(https://www.akorda.kz/en/addresses/addresses_of_president/address-by-the-president-of-the-republic-of-kazakhstan-leader-of-the-nation-nazarbayev-strategy-kazakhstan-2050-new-political-course-of-the-established-state)

Nazarbayev reasoned that it would be necessary to stagger political development behind economic development in order to strike a balance between competing values. On one hand, it was clear to Nazarbayev that developed countries require competitive economies that depend on open, democratic systems. On the other hand, however, Nazarbayev feared the risks to Kazakh statehood (and the political regime) should democratization progress too quickly, leading ultimately to regime collapse. Much of this fear was driven by the experience of “color revolutions” that occurred in Kazakhstan’s neighborhood. Nazarbayev’s plan to pursue the economy first, politics second, thus, was an effort to thread the needle, allowing for economic and democratic advancement without destabilizing the country.

Economic Reforms

Nazarbayev executed on his plans, remaining largely consistent with his guarantee to focus on the economy first. His successor, President Tokayev, promised in 2019 to accelerate the pace of political reform stating that further economic development of the country is “impossible without political modernization.” But economic reforms also saw an invigoration of planning and funding when the second President took office. All

economic reforms can best be divided into reforms regarding agricultural and industrial development, digitalization of the economy, investment in transportation, management of state-owned assets and support for small-to-medium-sized businesses (SME’s).

Kazakhstan’s agricultural reforms are centered on the idea of establishing the country as the “breadbasket” of Central Asia, cementing the brand of “Made in Kazakhstan.”² Major reform began in 2015 with the restructuring of agricultural co-operatives, their relationship with the government, and their role in the economy. Tokayev later took additional steps by banning foreign ownership of Kazakh farmland and releasing a five-year plan entitled “National Project on the Development of the Agro-Industrial Complex,” with clear goals to gain self-sufficiency in food production, increase labor productivity by 2.5 times, double agricultural exports, and increase the income of one million rural residents through the establishment of seven agricultural ecosystems.³

Manufacturing in Kazakhstan shares a similar narrative. There are two primary goals: increasing the share of non-commodity exports and producing the goods that Kazakh citizens demand

² “The President of Kazakhstan Nursultan Nazarbayev’s Address to the Nation of Kazakhstan. January 31, 2017.” Akorda.kz. *Republic of Kazakhstan*, January 31, 2017. (https://www.akorda.kz/en/addresses/addresses_of_president/the-president-of-kazakhstan-nursultan-nazarbayevs-address-to-the-nation-of-kazakhstan-january-31-2017)

³ “Development of agricultural sector for 2021 and plans for coming period - Official Information Source of the Prime Minister of the Republic of Kazakhstan,” primeminister.kz *Republic of Kazakhstan*, February 17, 2022. (<https://primeminister.kz/en/news/reviews/itogi-razvitiya-sfery-selskogo-hozyaystva-za-2021-god-i-plany-na-predstoyashchiy-period-22422>)

for daily life. For the first goal, Nazarbayev set targets to double the share of non-energy exports by 2025 and triple it by 2040. For the second goal, a program known as “The Economy of Simple Things” was established in 2018 to promote manufacturing of low-tech, household goods. Progress is being made, and manufactured goods contributed more to Kazakhstan’s GDP in 2020 than did the mining industry for the first time in 10 years.⁴

“Digital Kazakhstan” plays a major role in Kazakhstan’s economic reforms. It is foundational to establishing a knowledge-based economy and has two forms. The first involves the digitalization of government and business operations to include all interactions between businesses, government agencies, citizens, and consumers. The goal is to improve labor efficiency and reduce illicit exchanges that cannot be traced when operations are conducted through analog means. The second form involves supporting Kazakhstan’s tech industry through favorable regulatory environments, tax breaks, government subsidies, and loan programs. The Astana International Financial Centre, opened in 2018, does much to support this second priority by providing a new legislative and judicial system that is specific to matters involving private business and by promoting direct investment in technological ventures and other forms of innovative enterprise.

There are a lot of other initiatives intended to support the overall business environment in Kazakhstan, too. For example, Tokayev committed an additional \$16.1 billion in infrastructure development through the Nurly Zhol program. There are also reductions being made in the footprint of state-owned enterprises in Kazakhstan’s economy. This has manifested in major divestments from state-owned funds like Samruk-Kazyna and Baiterek Holding in order to promote competition in the private sector. Finally, a number of legal reforms over the past couple of decades have created a regulatory environment favorable to entrepreneurs, and it has earned Kazakhstan the 25th rank in the World Bank’s Doing Business Report for 2020, the last year such a rating was compiled.)

Political Reforms

While economic reforms have enjoyed the luxury of support from almost all parts of Kazakhstani society, political reform has been far more complicated. In fact, there are three categories into which different facets of political reform can be placed, according to their level of controversy. The first category contains those issues for which Kazakhstan’s government has issued no statement regarding their intent to initiate reform; the second contains those issues for which the government has made clear statements of intent toward reform and have thus far made significant efforts in good faith to follow through; and the third contains those issues for which the

⁴ “State of the Nation Address by President of the Republic of Kazakhstan Kassym-Jomart Tokayev.” Akorda.kz. Republic of Kazakhstan, September 1, 2021.

(<https://www.akorda.kz/en/state-of-the-nation-address-by-president-of-the-republic-ofkazakhstan-kassym-jomart-tokayev-38126>)

government has made statements expressing intent for reform, but the pace of implementation has been very slow. Reforms in this third category are those that influential forces fear will result in social upheaval should they be pursued too hastily, such as further decentralizing government and providing greater freedoms of speech, media, and assembly.

The reforms that fall into the first category are primarily concerned with religious freedom. Kazakhstan does not follow an American model of religious freedom, but one closer to a French or Turkish model in which the government restricts individual religious liberties in order to protect the state and its people from religious oppression. Distinctively, Kazakhstan has legislation written to support traditional, pre-Soviet, religions that suffered under communism and to inhibit the spread of non-traditional, post-Soviet, religions. There are also restrictions against the establishment of religions by foreign individuals, and efforts to combat extremism have been extended in many cases to place further restrictions on religious groups.

Reforms in the second category, where the government has made good faith efforts toward substantive reform, are reforms that in many cases began well before Nazarbayev transitioned out in 2019. These include anti-corruption efforts, reform of law enforcement, and the improvement

of women's rights. Notably, these are reforms that do not challenge the current balance of power, since they aim at producing a sense of legitimacy among the people by providing better governance. Anti-corruption efforts began as early as 2003 when the country partnered with the OECD, and include improvements to the recruitment and training of civil servants and judicial officials. Kazakhstan has also more recently partnered with the OSCE and Council of Europe in an effort to adhere to international standards for combating corruption. One closely related reform goes beyond combating corruption, transforming the police force. This involves shifting the police away from their soviet-era role as a "power tool of the state" toward a western-oriented model centered on the responsibility to serve and protect.⁵ A third reform in this category is supporting women's rights and has primarily involved the passing of legislation to combat domestic violence. This has been a significant issue and it has only worsened with the pandemic. Prior efforts to combat domestic violence have been criticized as insufficient, but Kazakhstan announced its intention to join the Council of Europe's Istanbul Convention in April 2020 in an effort to implement international best practices, and more initiatives should be expected.

Kazakhstan's leaders have until recently been reluctant to implement reforms promoting greater political participation or freedom of speech,

⁵ "President of Kazakhstan Kassym-Jomart Tokayev's State of the Nation Address, September 2, 2019," Akorda.kz *Republic of Kazakhstan*, September 2, 2019.

(https://www.akorda.kz/en/addresses/addresses_of_president/president-of-kazakhstankassym-jomart-tokayevs-state-of-the-nation-address-september-2-2019)

media, or assembly, despite these goals being identified as long-term objectives as early as 2012 when Kazakhstan 2050 was initially announced. While Tokayev has flipped the script on Nazarbayev's "economy first" policy, he too has cautioned that "explosive, unsystematic political liberalization" has been shown elsewhere to lead to the "destabilization of the domestic political situation and even to the loss of statehood."⁶ It is no surprise, then, that progress in these areas has been limited.

In the realm of political participation previous reform efforts focused on two categories: greater inclusion in parliament and the democratization of local politics. In the spirit of "strengthening parliament," Tokayev in 2019 cut in half the number of required signatures to form a political party from 40,000 to 20,000, and he mandated all parties to have a minimum of 30% women and youth. He also in a separate reform package guaranteed opposition parties chairmanship of at least one standing committee and the secretary position of two standing committees in the lower house of parliament. Tokayev also granted opposition parties the right to initiate parliamentary hearings at least once each session. In his third reform package, Tokayev proposed that the minimum political representation required to gain seats in parliament be reduced from 7% to 5% in the general election. In the second category, at the local level, some reforms began under Nazarbayev. A 2018 reform allowed voting for maslikhats

(local representative bodies) through proportional representation to encourage greater political participation. Later, Tokayev sought to introduce direct elections of district and rural akims (mayors) in his May 2021 reform package, but he maintained the right of the president to appoint regional and city akims (governors). Prior, these local akims were elected indirectly through a vote in the maslikhat. Introducing direct elections at this level of government began the process of fostering a democratic culture that can be expanded in the future.

Reforms that have been met with trepidation by the ruling elite are those concerning freedoms of speech, media, and assembly. In December 2019, Tokayev made first strides by removing article 130 from the penal code, which criminalized defamation and was often used to persecute oppositional journalists. It remains, however, an administrative offense. A similar article, article 174, criminalized the "fomenting" of hatred, but Tokayev revised the verbiage to "incitement." Before these reforms, articles 130 and 174 were regularly abused by state officials to suppress journalists and government critics, but skeptics argue that the reforms will not sufficiently prohibit similar abuses in the future. This same reform package included a new, controversial law on peaceful assemblies in which the mandate for protestors to request permission to hold a demonstration was replaced by a requirement to notify the local government of planned demonstrations.

⁶ Ibid.

This has nevertheless been criticized as superficial since the government can still reject notifications. Additionally, even under the new law, there are only limited approved spaces to hold protests. That said, officials claim this new law led to a rapid growth in the number of protests conducted in the country.

Ultimately, one conclusion stands out from the reforms undertaken during the Tokayev era thus far: what is going to drive democratization, or detract from it, is going to be the intent with which the government decides to exercise its powers for restricting freedoms under law. Will they follow the letter of the law and exploit these powers, or will they follow the spirit of the law and exercise these powers restrictively, giving the benefit of the doubt to the population?

Pivotal Moment: The January events

Up until January 2022, a pattern had developed in Kazakhstan's political system. It was clear that President Tokayev sought to deepen the reform agenda in the country and to take it into political areas that his predecessor had left untouched. This does not mean that President Tokayev sought to unravel the political system as it stood. However, it did mean that he considered deep-seated reform to the system to be necessary for the system's survival, and for the stability of the country. It was also clear that President Tokayev's view was not hegemonic in the country's political system. In fact, at several occasions it was clear that the practical implementation of his initiatives was lagging, something he lamented at more than one occasion. For example, the

concrete legislation produced by parliament at more than one occasion appeared a watered-down version of the reforms presented by President Tokayev in his public addresses. Similarly, it was also clear that influential forces sought to box in the president, by circumscribing his power – most obviously perhaps through the requirement introduced only months after his election that key appointments had to be vetted by First President Nazarbayev.

Taking a step back, the underlying problem was that transfer of power that had placed Mr. Tokayev in the Presidential palace was at best partial. It was partial at the formal level, because of the powers that continued to be vested in Mr. Nazarbayev. But power in Kazakhstan is not just formal: informal networks of influence, based on the fusion of economic and political power, at times are as important as formal power vested in institutions. And in this regard, the transfer of power was even more circumscribed: President Tokayev did not sit at the top of a "pyramid" of patronage that provided him with informal control over large sectors of the economy. Such influence remained largely in the hands of a network centered around former President Nazarbayev, consisting of his family members as well as friends and associates. And over the first three years of Mr. Tokayev's tenure, it became apparent that, by and large, most of these informal power-brokers sought to maintain the *status quo*, from which they benefited, and did not share Mr. Tokayev's sense of urgency concerning the deepening of political and economic reforms. This created an untenable situation not least because of the growing

public dissatisfaction with the status quo in Kazakhstan's society: since the economic downturn in 2015, it appeared increasingly clear that frustration in society was mounting over the socio-economic inequalities generated by the country's oil-led economy over three decades, coupled with the fusion of economic and political power at the hands of a small group of people at the top.

The peculiarities of the January events are not the subject of this study, and are the subject of an earlier analysis.⁷ But the outcome of the events – in which spontaneous public protests appear to have been hijacked by opponents of Mr. Tokayev in order to undermine his position or even remove him from power – led to a major shakeup of the country's political system. During and following the events, Mr. Tokayev removed the leadership of the country's security institutions, some of whom were jailed. He also took over as chairman of the Security Council, a position previously held by Mr. Nazarbayev, and ensured the resignation of key family members and associates of Mr. Nazarbayev from influential positions in Kazakhstan's politics and state-owned corporations. Most important, perhaps, Mr. Tokayev spoke out publicly against the “layer of wealthy people, even by international standards,” that he

said emerged in the country thanks to his predecessor's policies.

The January events, in other words, led President Tokayev to put down his foot, purge the elite ranks that opposed or slow-walked his reforms, and consolidate control over the country. This also means that much more than was the case previously, he will now be held responsible by the society for the reforms that follow. It was noticeable that the January protests largely targeted Nazarbayev personally; they were not against President Tokayev, nor were they for him. In other words, society appears to have seen Mr. Nazarbayev and his entourage rather than Mr. Tokayev as the problem; it remains to be seen if Mr. Tokayev can earn the trust of the population as the person bringing solutions to the problems they see. If he succeeds in gaining this trust by implementing meaningful change, his chances of stabilizing Kazakhstan will be good. If he does not, however, he will risk turning into the target of the frustration across society. As a result, the stakes in Kazakhstan's reforms are fairly high.

The March 16 Package of Political Reforms

President Tokayev's March 16 state of the nation address, entitled “New Kazakhstan: The Path of Renewal and Modernization,” was a direct response to the upheavals of January.⁸ He spent his

⁷ Svante E. Cornell, “Learning from Kazakhstan's January Crisis,” *Central Asia-Caucasus Analyst*, April 18, 2022. (<https://silkroadstudies.org/publications/joint-center-publications/item/13441>)

⁸ “State-of-the-Nation Address by President of the Republic of Kazakhstan Kassym-Jomart Tokayev, New Kazakhstan:

the Path of Renewal and Modernisation,” *Akorda.kz Republic of Kazakhstan*, March 16, 2022.

(<https://www.akorda.kz/en/state-of-the-nation-address-by-president-of-the-republic-of-kazakhstan-kassym-jomart->

opening statement discussing the government's response both to the unrest itself and to the socio-political climate from which the protests precipitated. Tokayev described the investigations and the due process of law in regard to the unrest. But the bulk of the speech consisted of introducing a new package of major reforms. These reforms take up the bulk of Tokayev's address, and they are his answer to the demands placed on the government by the people. Tokayev made it clear that these are reforms that he had been considering even prior to January – indeed, a package of political reforms was initially slated for release in September. However, the unrest inspired him to accelerate his plans for modernization. If prior reforms included a mix of economic and political initiatives, these reforms are entirely focused on the political realm, and they include nine priorities concerning the powers of the president, the representative branch of government, the electoral system, political parties, the electoral process, human rights institutions, administrative territories, decentralization of local government, and anti-crisis measures.

While the opening statements are anecdotal to the reforms outlined in the rest of the address, they are worth serious consideration as they provide insight into what Tokayev hopes to show are the core values underpinning his crisis response and his motivation for these reforms. The primary value Tokayev tried to convey is that of transparency. He claimed to have “never

concealed anything from the citizens,” referencing the many speeches he gave throughout the crisis and previously during the pandemic. He made commitments to the “fair assessment of the January events” and promised regular publications of investigative findings. He also acknowledged legitimate complaints of police brutality and torture in interrogations, and he provided assurances by describing the involvement of Human Rights Ombudsmen and members of the National Council of Public Trust in the examination of penitentiary conditions.

In explaining his motivation for the new reforms, Tokayev referenced many of the political forces that drove unrest in Kazakhstan. On one hand, Tokayev claimed the reforms are based on many “long-standing demands for radical changes,” and that the “January events to some extent were... the result of domestic stagnation.” On the other hand, Tokayev alluded to those in power who relied on Kazakhstan's informal power structure and thus felt threatened by the direction of political reforms. Tokayev claims these actors sought to preserve their power in an effort to oust him. Thus, Tokayev recognizes the legitimate concerns of the people that drove the initial, spontaneous, peaceful protests while condemning the violent acts perpetrated by more nefarious actors as the unrest escalated. Somewhere in the middle, Tokayev explained, are those who “quite rightly feared rampant street democracy, predicting ... scenarios like Gorbachev's

tokayev-17293) Additional quotes in this section are from this speech.

perestroika.” Tokayev likely sees himself as belonging to this camp, an honest statesman trying to strike a delicate balance between responding to the people’s legitimate demands for accelerated democratization while placating those who maintain significant political, if informal, power in the government. With Nazarbayev’s power, and the power of his friends and family, stripped during the course of “Tragic January,” Tokayev’s hands have been freed to implement further liberalization toward a singular vision for a new Kazakhstan: “A strong President – an influential Parliament – an accountable Government.”

Tokayev’s first reform priority, *On the Powers of the President*, aligns with the first part of his vision for a new Kazakhstan. Tokayev refers to Kazakhstan as possessing a “super-presidential model of government.” This, he argues, was necessary in the early stages of independence but has since fostered stagnation. His goals include decoupling the state from the party system and preventing nepotistic practices. Not only has Tokayev himself resigned as chairman of the ruling Amanat party (formerly the Nur-Otan party,) but he stated his intention to legislate a mandate requiring the president to disaffiliate from all political parties during their presidential term. Similar mandates will be legislated for akims and their deputies as well as the chairpersons and members of the Central Election Commission, the Supreme Accounts Chamber, and the newly created Constitutional Court. Tokayev also stated his intention to place a ban on close family members of the president from holding positions as political civil servants or top managers in state-owned

enterprises. Finally, Tokayev will suspend the right of the president to annul actions of regional and municipal akims and their right to remove district and rural akims from office.

Similarly, Tokayev’s second reform priority aligns with the second part of his vision: Reforming the Representative Branch of Government. Here the goals are threefold: further reduce the power of the president over parliament, improve the system of checks and balances between the chambers, and strengthen the role of the Mazhilis and maslikhats. The presidential quota for Senate appointees will be reduced from fifteen to ten, and five of those ten will be recommended, rather than elected, by the Assembly of the People of Kazakhstan (APK), which is chaired by President Tokayev. The APK’s power to appoint members of the Mazhilis will be transferred to the Senate, and reduced from nine to five deputies. To reinforce checks and balances, the Senate will no longer adopt laws approved by the Mazhilis, but the reverse. The Mazhilis will adopt new laws while the Senate approves them. The Senate, on the other hand, will gain the power to approve candidates for Chairpersons of the Constitutional Court and the Supreme Judicial Council. There are also two initiatives to strengthen the Mazhilis and the maslikhats: the Accounts Committee will transform into the Supreme Audit Chamber whose chairman will report twice a year to the Mazhilis to improve control over the budget and over the execution of large-scale reform projects; and the maslikhats will be provided two candidate nominations by the President from which to elect regional and city akims.

This has the effect of creating an “indirect election” of these akims by the people of Kazakhstan.

Third, Tokayev stated the plan to revise the electoral system, moving away from a proportional toward a more majoritarian model and thus reversing the reforms of 2007. Tokayev explained that the rationale for the proportional electoral model in the Mazhilis and the maslikhats was to increase citizens’ participation in governance, but the result has been that non-partisan citizens have been unable to gain election and many more have felt alienated by the system altogether. Tokayev’s new system will allocate 70% of seats in the Mazhilis to a proportional vote and the remaining 30% to a majoritarian vote. The same system, but with a 50-50 breakdown, will be adopted in the maslikhats of major cities and regions. A complete transition to a majoritarian model will be adopted in smaller cities and districts “where close interaction between members... and citizens is required.” This transition, Tokayev hopes, will foster a stronger, more democratic political culture in which the role of the party is preserved but citizens will feel more directly tied to the election of their representatives.

Tokayev’s fourth priority is to expand and strengthen the party system. He intends to push further on initiatives that he announced in his first package of political reforms. Where in 2019 he reduced the number of required signatures to establish a new political party from 40,000 to 20,000, he is now further reducing that number to 5,000. Additionally, the minimum required number for a party regional branch will drop from 600 to 200, and the minimum number of citizens’

initiative groups to create a party will go from 1,000 to 700. Finally, Tokayev intends to simplify the procedures for party registration.

The fifth priority in the reform package is to modernize the electoral process. This is not to be confused with the electoral system previously discussed. Rather, in this priority, Tokayev seeks international best practices to ensure that elections themselves are as transparent, fair, and secure as possible. First, he intends to legalize campaigning on social media, which thus far has been overlooked by legislation. Second, Tokayev wants to legally formalize the role of election observers and provide them with clear responsibilities and rights. He wants to professionalize territorial election commissions and consider the feasibility of a single, national electronic voter database. Finally, Tokayev wants to take legislative action to safeguard against foreign interference in elections, chiefly by ensuring “maximum financial transparency for all participants in election campaigns, be they candidates, observers or the media.”

Tokayev’s sixth priority may be his heaviest hitting with a number of reforms aimed towards improving human rights conditions in Kazakhstan. He began by announcing the establishment of a Constitutional Court, giving citizens the right to appeal directly to protect their rights and challenge questionable legislation. Tokayev then declared his intent to amend the constitution to outlaw the death penalty. There will be constitutional laws written to clarify the role, duties, and responsibilities of the Prosecutor General’s office and of the Human Rights Ombudsperson.

Separate from those laws, the Prosecutor General will gain new responsibilities to investigate crimes involving torture by the police and domestic violence against women and children. Tokayev reiterated many of the priorities set forth in prior reforms and in the work being done with the OECD to improve the recruitment of judicial officials and ensure transparency in the judicial system. As it stands, juries are only used in court cases involving “especially grave crimes,” but Tokayev wants to expand the categories of cases that qualify for juries. This will ensure greater transparency and accountability of the court system to the people.

The media receives some attention, too, though it is ambiguous. Tokayev recognizes that “there can be no further democratic transformation without an independent and responsible media.” He stated a plan to revise the law on media, but did not outline specifically how he plans to ensure media independence or responsibility through the revisions. Tokayev discussed the need to deepen the partnership between the government and NGOs, especially around the implementation of reforms. He proposed enhancing public councils under the executive bodies of the central and local governments, and in the quasi-public sector. In alignment with this last objective, Tokayev proposed to transform the NCPT into the *Ulytky Kuryltai* (National Congress), which will continue the work of the NCPT at an enhanced capacity. It will include representatives from all regions as well as members of parliament, the APK, other public councils, and distinguished figures in business, industry, and agriculture.

Finally, it should be noted that under Tokayev’s opening statements, he refers back to the controversial Law on Peaceful Assembly, stating clearly that he will make no further concessions on the issue of rights to assembly.

Under his seventh priority, Tokayev intends to restructure Kazakhstan’s administrative territories, having taken into account feedback from citizens. He proposed to form the Abai and Ulytau regions with Semey and Zhezkazgan as their respective capitals. He also plans to divide the Almaty region into the Zhetysu and the Almaty regions with Taldykorgan and Kapshagai being their respective centers. Tokayev claims these changes will simplify commutes, improve the efficacy of public administration, and be more consistent with the proposed reforms to the electoral procedure and model.

The eighth priority proposes to establish greater independence and autonomy of local governments. Under the current model, rural districts depend on funding from their higher akims, but Tokayev is seeking to establish direct financing of these smaller governments and to revise their procurement procedures accordingly. These reforms will be captured in a law “On Local Self-Government” that is soon to be drafted.

The ninth and final priority concerns managing financial crises and food scarcity. These are issues that have been brought into sharp focus since economic sanctions against Russia have impacted countries in Russia’s neighborhood. Tokayev wants to increase economic security by reducing the influence of speculation in the foreign

exchange markets. He signed a decree restricting the export of foreign currency, limiting institutions from purchasing any foreign currency except for the fulfillment of contractual obligations. Additionally, second-tier banks will need to monitor the purchase of foreign currency by their clients. Tokayev tasked the National Bank and the Agency for the Development and Regulation of the Financial Market with developing mechanisms to monitor these activities. There is also the issue of rising food prices, but Tokayev does not offer any concrete measures to address this concern. Instead, he calls on the government and akimats to act decisively, and signed a decree on the de-bureaucratization of the state that will aim to improve the state's decision-making functions.

Following President Tokayev's speech, in April he indicated his intention to submit the constitutional amendments to a nationwide referendum. This was subsequently set for June 5. In the meantime, the government consulted through the National Council of Public Trust, resulting in an amendments package that would change almost one in three articles in the constitution.

Analysis

This attempt to analyze the implications of the constitutional amendments will focus on the extent of the changes being proposed, as well as areas that are likely to require further change going forward. It will also touch on the more subtle question of the attitude of state institutions toward citizens, as well as the broader geopolitical context in which the reforms are being undertaken.

No Sea Change?

At the outset, it should be stated that anyone's conclusion concerning Kazakhstan's March 16 package of reforms will depend on one's expectations. Those who may have expected a radical shift to the system of governance in Kazakhstan – a shift to a parliamentary system of governance, or, in a sense, a “color revolution” within the system are bound to be disappointed. The events of January 2022 did not lead President Tokayev to tear down the existing system: they led him to accelerate his pre-existing efforts to implement *gradual* change to the system. The shift, therefore, is one of degree: the President is imposing changes that align with his earlier pronouncements and in a more thorough fashion than he has previously, but the fundamental nature of the changes he intends to introduce have not changed.

As such, it is important to reflect on what President Tokayev wants to do and perhaps more importantly, what he does not want to do. There should be little doubt that his main concern continues to be political stability. He continues to align with the bulk of the establishment in Kazakhstan, which views rapid and uncontrolled liberalization as a recipe for disaster and potentially the loss of statehood, as evidenced by the result of color revolutions two decades ago and subsequently the “Arab Spring.” Indeed, Tokayev made this clear in his March 16 speech, where he ruled out further liberalization to laws governing public protests and demonstrations.

That said, the reforms contained in the package provide a better indication to how far President

Tokayev might be willing to go. Earlier on, it seemed that his main focus was to transform the state into a more efficient and well-functioning entity, geared toward the provision of services to the citizenry rather than extracting rents from it, as has tended to be the case in most post-Soviet societies. But the extent of Tokayev's willingness to expose the political system to real competition was always more doubtful.⁹ Earlier reforms indicated that while he reduced somewhat the formal criteria for the creation of political parties, the intention appeared to be the gradual building of a democratic political culture by beginning with liberalizing local elections in rural areas. The present reforms, however, indicate that President Tokayev has concluded that the liberalization of the political system at all levels must be allowed to proceed for the system to maintain its legitimacy. Hence the further simplification of procedures for creating political parties, and the introduction of majoritarian candidates to elections, which in theory provide for a more direct relationship between the voters and their representatives. Such notions were present at a conceptual level in his earlier speeches, but are only now being actualized. It may be that Tokayev is finally free to implement reforms that had previously been blocked by rival forces in the government, now removed. Still, the popular discontent visible in the January protests cannot but have strengthened the forces in the government that

argued a greater liberalization and introduction of elements of competition within the system were necessary.

Beyond this, however, the key thrust of the reform effort remains the development of a healthier separation of powers within the state institutions. This is visible in the President's rejection of the "super-presidential" system of government; but it is notable that Tokayev is not promoting a departure from a presidential system. This is not surprising: from the Kazakh perspective, the experience of countries introducing a parliamentary form of government, such as Kyrgyzstan and Georgia, has not been successful. Indeed, Kyrgyzstan returned to a presidential system in 2021.¹⁰ While the reforms in Kazakhstan maintain a presidential system, they nevertheless clearly devolve power to a legislative branch of government that is modernized and empowered. Meanwhile, it strengthens the judicial branch of government by creating, for the first time since it was abolished in 1995, a Constitutional Court to which individuals will have the right to apply directly.

These reforms will not in and of themselves provide for a greater separation of powers. Because real power in Kazakhstan continues to a large extent to be informally exercised, this will require that the President abstains from applying

⁹ See Svante E. Cornell, S. Frederick Starr and Albert Barro, *Political and Economic Reforms in Kazakhstan Under President Tokayev*, Washington: Central Asia-Caucasus Institute & Silk Road Studies Program, Silk Road Paper, November 2021, p. 76.

¹⁰ See the study of this experience in Johan Engvall, *Between Bandits and Bureaucrats: 30 Years of Parliamentary Development in Kyrgyzstan*, Washington: Central Asia-Caucasus Institute & Silk Road Studies Program Joint Center, Silk Road Paper, January 2022.

pressure to the Constitutional Court and on the legislature. Clearly, President Tokayev's resignation from the ruling party is intended to achieve a greater separation of the President from politics; it remains to be seen if this will be implemented in practice. In the long term, however, it is clear that the reforms proposed in the March 16 package will go a long way toward strengthening the power of formal state institutions and effectuate a transition from informal to formal exercise of power. There should be no illusion, however, that this transition will be immediate and devoid of setbacks, as it requires a shift to the political mentality of the country's elite, which requires time.

In the final analysis, therefore, the March 16 package should be considered a further acceleration of Tokayev's previous reforms, fully in line with his intentions before the January events. This, in itself, could be considered controversial: many both inside Kazakhstan and among advocacy groups in the West will likely continue to term these reforms "cosmetic," pointing to the continued absence of total liberalization. They will also likely point to the January protests as an indication that these reforms do not meet the demands for change in Kazakh society, and consider them "too little, too late." Time will tell how Kazakh society will respond to the reforms, but it should be noted that the extent to which street protests

are representative of a society is questionable at best.

There are a host of reasons why President Tokayev is sticking with gradual reforms. A central factor is that the January protests – which went out of hand largely as a result of elite in-fighting – did not change his basic outlook on Kazakhstan's future development, and may even have strengthened his resolve that uncontrolled liberalization would result in chaos. Two further factors, discussed below, are that Tokayev must consider the geopolitical context of his reforms, while likely also considering that successful reforms require the maturation of a shift in the meaning of being a civil servant in the country.

The Geopolitical Context

Kazakhstan has worked hard over three decades to establish itself as an independent voice on the world scene, in spite of its proximity to Russia and the myriad ways in which the country, its economy and population are connected to the northern neighbor. And even after the CSTO intervention in January, Kazakhstan has surprised many by sticking to this independent approach and refusing to toe Moscow's line over the war in Ukraine.¹¹ This, however, does not change the fact that Kazakhstan exists in an extremely challenging geopolitical environment. In fact, this environment has further deteriorated in the past year.

¹¹ Svante E. Cornell, "Russia's Southern Neighbors Take a Stand", *The Hill*, May 6, 2022. (<https://silkroadstudies.org/publications/joint-center->

[publications/item/13445-russias-southern-neighbors-take-a-stand.html](https://silkroadstudies.org/publications/joint-center-publications/item/13445-russias-southern-neighbors-take-a-stand.html))

Kazakhstan's multi-vector foreign policy – of which President Tokayev is an architect – is based on the development of relation with outside powers, primarily China and the United States (and the West generally), in order to balance the close relationship Kazakhstan has with Russia.¹² The weakness of this strategy is that it is undermined *either* if ties with Russia become too strong, or the outside powers do not reciprocate Kazakhstan's interest in deepening partnership. Unfortunately for Kazakhstan, to some extent both of these developments have occurred simultaneously. The growing rift between Russia and the West is particularly troubling, as Kazakhstan is linked with Russia through the Eurasian Economic Union and the Collective Security Treaty Organization. Kazakhstan has worked hard to avoid being lumped with Russia: thus, Deputy Foreign Minister Roman Vassilenko in March 2022 made it clear that Kazakhstan does not want to find itself “behind a new Iron curtain” if one were to descend around Russia, and has taken issue with the suggestion, admittedly fringe at this point, that Kazakhstan should be included in Western sanctions on Russia.¹³ Kazakh official have also made clear they will comply with sanctions on Russia and do their part to ensure the

country is not utilized for Russian sanctions-busting schemes.

Meanwhile, the U.S. withdrawal from Afghanistan – and in particular the manner in which it was done – generated considerable anxiety across Central Asia, including in Kazakhstan, about the extent of U.S. commitment to a meaningful presence in Central Asia. The withdrawal also followed on the conspicuous absence of the United States as a factor in the second Armenia-Azerbaijan war in fall 2020. The U.S. has sought to reassure Kazakhstan, and continues to actively take part in the U.S.-Kazakhstan Enhanced Strategic Partnership Dialogue, which met last in December 2021 in the Kazakh capital.

The relevance of this for the present study is that Kazakhstan cannot ignore the fact that the two dominant external powers in Central Asia are Russia and China, both of which decidedly oppose a meaningful democratization of the Kazakh political system. Russia does so both for ideological and pragmatic reasons: at least since the color revolutions in Georgia and Ukraine, the Kremlin views the development of democratic institutions among its neighbors as a potential threat to its own regime security.¹⁴ Indeed, Moscow has shown a willingness to use military means to subdue or dismember countries that

¹² Svante E. Cornell, “Finding Balance: The Foreign Policies of Central Asian States,” in Ashley Tellis & Michael Wills, eds., *Strategic Asia 2007-08: Domestic Political Change and Grand Strategy*, Seattle: National Bureau of Asian Research, 2007, pp. 267-298.

¹³ “Kazakhstan Summons U.K. Ambassador Over Lawmaker's Call for Sanctions,” *RFE/RL*, March 2,

2022. (<https://www.rferl.org/a/kazakhstan-uk-sanctions-russia/31732834.html>)

¹⁴ See Svante E. Cornell, *The New Eastern Europe: Challenges and Opportunities for the EU*, Brussels: Center for European Studies, 2009, pp. 38-46.

(https://isdpeu/content/uploads/publications/2010_cornell_new-eastern-europe.pdf)

have embarked on a process of democratization, most recently illustrated by its war in Ukraine. China, furthermore, calculates that political liberalization in Central Asia would increase the opposition of Central Asian governments to its repression of ethnic Uyghurs, Kazakhs and Kyrgyz in its nominally autonomous province of Xinjiang. By contrast, the influence of the forces supporting liberalization, such as the U.S. and EU, in the region does not compare to the Russian and Chinese influence, and appears in relative decline over the long term.

This means that even if Kazakh officials intended a rapid transition to fully democratic governance, they would be well-advised to consider the security implications of such a move. As long as the correlations of forces in the region so blatantly favors authoritarian powers, any progress toward political reform in Kazakhstan or any Central Asian states will likely have to be gradual and limited.

The Mentality of the State

As mentioned repeatedly above, political power in Kazakhstan, as in most states that share the Soviet legacy, is exercised as much informally as formally. Furthermore, these states share a most disturbing legacy of the Soviet system: the fact that government employment is widely seen as an instrument of control over the population, as well as a source of rents to be extracted from it. This stands in contrast to the Western ideal-type of a civil servant, whose function is to provide services to the population. Put simply, the difference is that the post-Soviet official makes

people's lives harder, while the Western ideal-type official would make lives easier.

As long as this remains the case – most notably through the persistence of pyramids of patronage within government institutions – the implementation of formal constitutional and administrative reforms will only have limited effect. An official who seeks to prevent a demonstration, deny registration to a political party, or nullify a court case, is likely to be able to find a legal justification for doing so if the system in which the official functions condones or inspires such behavior. As a result, President Tokayev's reforms will be successful, and achieve their stated objective, only if the government fully enforces the signals the President is communicating to the bureaucracy: that its role is truly to serve the population. Old habits die hard, however, and the experience of other states sharing the Soviet legacy is mixed. The Georgian case suggests that wholesale shift of the personnel forces may be necessary for bureaucratic institutions to change their approach to the population. But Georgia and Azerbaijan, as well as Kazakhstan's own experience, also indicate that digitalization accompanied with determination from the top political level can also achieve meaningful change in the way government bureaucracies approach society.

As important as the formal reforms being implemented, thus, is the change of the mentality of government bureaucracies. Kazakhstan's advantage over Saakashvili's Georgia is that three decades have passed rather than one since the collapse of the Soviet Union, and government bureaucracies are increasingly populated by a new

generation that is not damaged by the Soviet mentality. Still, constant enforcement of the newly mandated orientation of government bureaucracies, along with massive efforts geared toward the training of civil servants, are likely to be needed for this change to be visible to Kazakh society.

Missing Element: The Security Sector

One key area that President Tokayev does not touch upon is the security sector – a notable omission given the outsize role of this sector, and its performance during the January events. Indeed, the events provided an indication that the security sector – primarily the National Security Committee and the Ministry of Interior – were fundamentally unreformed, in addition to the fact that the loyalty of their leadership to the formal hierarchy of power appears to have been deficient. President Tokayev has already removed the leadership of these institutions; but this is not sufficient. For the Kazakh state to be modernized, and its institutions to become more transparent and competitive, the security sector must be exposed to fundamental reforms. It should be noted that prior reform did target the police force, aiming to instill a new service ethos. But the reforms must go much deeper, and also reform the state security service.

As we have argued elsewhere, the unreformed nature of security services has remained a major obstacle to reform across the post-Soviet space, while surviving connections with Russia's state security apparatus makes security services a logical route for Russian influence over independent countries.¹⁵ Moreover, as the January events in Kazakhstan showed, the security services and Ministry of Interior have tended to be among the government institutions most exposed to corruption, as well as linkages with the criminal underworld. Not staying at that, these services have a tendency to develop into a state within a state, with their leadership utilizing their influence to extort funds from business activity as well, while simultaneously exerting pressure on the highest institutions of government. Given that these structures are supposed to be the upholders of stability, their unreformed nature undermines the prospect for reform. It should be noted that in both Azerbaijan and Uzbekistan, leaders saw themselves compelled to fundamentally reorganize and reform their respective security services in order to forge ahead with meaningful reform in around 2015-2018, Presidents Aliyev and Mirziyoyev both decrying the predatory behavior of security services in their respective economy.¹⁶ While this is not to say that Kazakhstan's security services have been similarly notorious, President Tokayev's own assessment of these services

¹⁵ S. Frederick Starr and Svante E. Cornell, "Security Services: Moscow's Fifth Column Across Eurasia," *The Diplomat*, January 17, 2020. (<https://silkroadstudies.org/publications/joint-center-publications/item/13351>)

¹⁶ S. Frederick Starr and Svante E. Cornell, *Uzbekistan's New Face*, Lanham, MD: Rowman & Littlefield, 2018; Svante E. Cornell, "Azerbaijan: Reform Behind a Static Façade," *American Interest*, October 17, 2019. (<https://www.silkroadstudies.org/publications/joint-center-publications/item/13342>)

suggests that they should be front and center of any effort to reform the country's state bureaucracy.

Why, then, was this not part of the March 16 package of reforms? The most logical answer is that President Tokayev is well aware of the need for reform, but that he did not see a realistic possibility to include these agencies while conceiving of the reform package in the period prior to the January events. It would stand to reason that this should be the focus of a future package of reforms. Furthermore, President Tokayev's efforts to replace the top echelons in the security sector were underway in the runup to the March 16 announcement of the reform package. Indeed, only in late February did President Tokayev replace the Minister of Interior, and place influential former officials of the National Security Committee in pretrial detention. In other words, President Tokayev may be taking a gradual approach to dealing with the situation in the security sector, and may need to allow his new appointees in this sector an opportunity to assert control over these bureaucracies before moving to a formal reform of this key sector – or may need time to ascertain the loyalty of key officials within the sector.

Still, wholesale reform of the security sector will probably be a necessary step in order for President Tokayev's reforms to be successful in the medium to long term.

Missing Piece: Media Freedom

As noted, President Tokayev's reform package focused largely on shifting the distribution of

power in the state, as well as enhancing political participation by providing for a greater element of political competition. For this purpose, the President launched reforms to the electoral system, as well as to ensure the free and fair administration of elections – as well as measures to make the formation of political parties easier.

These measures all require a greater freedom of expression and media. New political parties are unlikely to form successfully and gather support in society in an unfree media environment. And President Tokayev seems to agree: he noted in his March 16 speech that "I am convinced that there can be no further democratic transformation without an independent and responsible media." Still, his further comments on media largely were limited to recommendations to the media how it should behave – for example, he admonished media to not contribute to the polarization of society, or to participate "in a hidden struggle of political clans." His speech, and the concrete reforms that have been proposed thereafter, do not focus in a meaningful way on preparing the ground for a free and responsible media environment to emerge in Kazakhstan.

This is a difficult task. Kazakhstan shares with countries with a Soviet legacy the persistence of weak media institutions, with relatively low levels of professionalism. In Kazakhstan, large media outlets tend to be controlled by business entities with strong ties to senior government officials. Furthermore, the government allocates dozens of millions of dollars in support to large

media groups.¹⁷ This creates an uneven playing field for media outlets, and constitutes an obstacle for the implementation of President Tokayev's reforms.

In this regard, greater political attention to the media situation in the country will be necessary as reforms are implemented. This will need to include large-scale programs for the training of journalists, but also reforms that affect the financing of media outlets, with a rethinking of the state's role in this process, along with a shifting attitude by the country's government bureaucracies toward the work of independent media. Safeguards will need to be put in place for media efforts to expose corrupt politicians, for example, something that can be a risky endeavor in Kazakhstan today, particularly at the local level where many officials continue to view such activity as fundamentally illegitimate. Again, this will certainly take time, but it should make it a priority for President Tokayev to pay closer attention to reforming the media environment in the country in a way that supports the reform objectives he is seeking to achieve.

Conclusions

The June 5 referendum may easily be dismissed as a foregone conclusion. But while the result of the referendum is hardly in question, its purpose is quite worthwhile: it seeks to engage Kazakh society in the reform process. The referendum

enables each Kazakh citizen the opportunity to form an opinion on the changes that President Tokayev is proposing to the country's political system. This is in itself an important step that rhymes well with the effort to gradually change the relationship between the state and society in Kazakhstan.

The March 16 package of political reforms will not immediately change Kazakhstan, or turn it into a consolidated democracy. However, it constitutes one step on a long road of reform. It also constitutes an important step in a bigger question, which is how post-Soviet political systems can best be transformed in a positive direction. Almost two decades ago, a series of states embarked on revolutionary change of government. The balance sheet suggests that this effort largely failed to accomplish the objective of democratization, and in spite of tangible improvements in some areas, states that embarked on revolutionary change have backtracked, while also suffering from a worsening of their political instability – including exposure to military attack from Russia.

A decade later, another group of states – to which Kazakhstan belongs – proposed that meaningful and gradual reform of the political system was the answer to the question. The January events in Kazakhstan at first appeared to undermine the proposition that such gradual reform could succeed. However, President Tokayev's response to

¹⁷ Adil Nussipov, "Media Matrix: Kazakhstan" Central European University Center for Media, Data and Society, Budapest, 2019.

(<https://cmds.ceu.edu/sites/cmcs.ceu.hu/files/attachment/basicpage/1602/kazakhstanfundingfinal.pdf>)

the crisis was to redouble his effort for gradual and controlled political change. Should he succeed, the reverberations will be felt far beyond Kazakhstan.

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