

THE PRESIDENTIAL-HEGEMONIC PARTY AND AUTOCRATIC STABILITY: THE LEGAL FOUNDATION AND POLITICAL PRACTICE IN KAZAKHSTAN

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Post-Soviet parties of power are dominant parties created in the years after the collapse of the USSR. It is not a type of political party, but a term that means that executives form them, producing a legal and illegal advantage over other parties in elections and in the daily allocation of resources. This paper attempts to determine if the Kazakh party of power Nur Otan is also a hegemonic party along the line with Sartori's definition. I argue that party of power could be any dominant party, including a hegemonic party, and hence we need further analysis to identify its appropriate typological definition. The answer to this question is not only important for the purpose of typological labelling, rather its importance lies in aiding our ability to gain insight into the existing Kazakh authoritarian regime's institutional framework of sustainability. After the analysis, the paper comes to the conclusion that Nur Otan is a hegemonic party, but it is a new subtype of the hegemonic party that achieves hegemony within the party system, but not within the whole political system as a classic hegemonic party of the 20th century. Therefore, it contributes to the current stability of the autocratic regime, but the institutional framework of the regime's sustainability after the departure of Nursultan Nazarbayev from the state presidency is not certain.

Keywords: presidential-hegemonic party, hegemonic party, autocracy, Kazakhstan, Nur Otan

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I. INTRODUCTION**

The third wave of democratization had one thing in common with the previous waves and the Arab Spring – limited success. This limitation is the result of the fact that in some countries delegative democracy of the Latin American type¹, illiberal democracy or any defective democracy, let alone any form of modern liberal democracy has not been established. New authoritarian regimes created after 1991 disabled their countries' democratic transitions after various durations of wandering from communism to “something else”. The most obvious examples are found among the Central Asian countries Uzbekistan and Turkmenistan, which have experienced the harsh regimes of Presidents Islam Karimov, Saparmurat Niyazov Türkmenbaşy and Gurbanguly Berdimuhamedow. In these former Soviet states, there are still no democratic elections nor multiparty systems, and their leaders have been surrounded by aides who have crucially depended on their patronage. Their authority has been so developed that these regimes are more like the sultanist regime of Romanian President Nicolae Ceausescu² than of any Soviet leader after Stalin. Karimov and Türkmenbaşy have not only had “control that outgoing rulers exerted over the process of transition”³, but they did not slacken any control from their hands after the transition from communism to a new authoritarian regime.

In an autocracy there is no real separation of powers because it contradicts the very nature of this type of political system. Therefore, its bearers must find the appropriate institutions that will help them to rule and at the same time prevent sharing political power with others. These institutions are usually the same ones that exist in liberal democracies albeit they function with a different purpose. While in liberal democracies rule of law, a mechanism of checks and balances and civic political culture make the abuse of institutions by the regime difficult, the authorities in an autocratic system can do this because there

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¹ O'Donnell, G., *Delegative Democracy*, Journal of Democracy, Vol. 5, No. 1, 1994, pp. 55 – 69.

² More about sultanism in Romania in: Linz, J. J.; Stepan, A., *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*, The Johns Hopkins University Press, Baltimore and London, 1996.

³ Munck, G. L.; Skalnik Leff, C., *Modes of Transition and Democratization: South America and Eastern Europe in Comparative Perspective*, Comparative Politics, Vol. 29, No. 3, 1997, p. 344.

is a lack in any of these factors. But, there are some limitations because modern autocracies do not have the same characteristics as the classic autocracies of the 20th century. A higher degree of political pluralism, wider education, easier information access to citizens and a better functioning of the legal system, make it difficult for the regimes of most of these countries to concentrate as much power in their hands as was possible in the past. The consequence of this is that a contemporary autocratic regime is never completely sure of its inviolability. To reduce this risk, the regime puts more emphasis on formal structures of government, and respect of the constitution and laws concerning political institutions than before because through them it is able to legalize its decisions and increase its own legitimacy. It acts as a rational actor, who, within the legal order and the institutions that it created, attempts to maximize its benefits.⁴ At the same time, it must constantly adapt to external threats that might endanger it and adapts laws and decisions in order to defeat its enemies. Because of these dynamics within a new autocratic system, the term “consolidated autocratic system”, as it is used in much of the literature on autocracies, becomes meaningless as it is in the nature of every autocracy that it cannot be consolidated. It can be frozen or stabilized, if the regime is strengthened and it is reasonably foreseeable that it will last for a longer period, but because there are forces that are constantly trying to overthrow the existing government, or transform the entire system, an autocratic system cannot be consolidated. The prohibition and disruption of the activity of anti-regime forces and their persecution by the regime can only appease them for a while, but all autocratic systems are potentially unstable and may end with the fall of the regime, or at least they fall victim to the pressure for change.

II. RESEARCH DESIGN

This article is based on an institutionalist approach in the research of new authoritarian systems and based on the analysis of one type of institution – the political party. The analysis will be conducted on the case of Kazakhstan and the Nur Otan party, which has been used by the regime since its founding in 1999 for the regime’s own sustainability and stabilization. In order to successfully execute this analysis, I will try to determine if Nur Otan is a hegemonic

⁴ More about institutionalism of rational choice in: Peters, B. G., *Institutional theory in political science. The new institutionalism*, The Continuum International Publishing Group, New York and London, 2012.

party in accordance with Sartori's definition⁵ or if it is some other type of party. The answer is not important for just reasons of clarity and typological labeling, but primarily because by understanding the type of party the regime uses to maintain its hold on power we can gain insight into the sustainability of the current authoritarian regime in Kazakhstan. There is a certain amount of literature about this party and the Kazakhstan political system, but rarely has the literature tried to determine what type of party rules the country. For example, Max Bader writes about this problem and he sets Nur Otan, along with some other post-Soviet parties of power, as a hegemonic party. Nevertheless, it is unclear if his use of this term is in accordance with Sartori's definition, or if he uses it as a term that should emphasize the party's dominant position without being hegemonic. Bader offers that, "a political party is hegemonic when, over the course of consecutive elections, it wins a share of the vote that is several times bigger than that of its competitors, and controls a large majority of seats in parliament."⁶ I argue that this could be a definition of any dominant party, including a predominant party of the Sartori type, and hence we need further analysis to identify its appropriate typological definition.

Considering the greater degree of political pluralism and the lesser ability of the Kazakh regime to control society, the media and means of communication than in the Soviet system, I offer the thesis that the President of Kazakhstan decided to integrate himself into the party system and to consolidate his power with a hegemonic political party, which seeks to achieve its dominance through semi-competitive elections formalized by laws and other legal acts. I suggest that it is a new subtype of the hegemonic party, a presidential-hegemonic party. I do this because its founder and patron is the President who does not depend on that party as much as the party depends on him and therefore its hegemony is primarily possible in the party system, but not in the political system as a whole, as it is possible for the hegemony of two classic subtypes of the hegemonic party defined by Sartori. In order to provide robust support for my thesis I engage in an analysis of the relevant legal acts and the political practice in Kazakhstan since 1991. Due to the interconnection of political subsystems, attention will also be given to elections and institutions of the system of government.

⁵ Sartori, G., *Parties and Party Systems: A Framework for Analysis*, ECPR Press, Colchester, 2005, pp. 204 – 205 (First published in 1976 by Cambridge University Press.).

⁶ Bader, M., *Hegemonic political parties in post-Soviet Eurasia: Towards party-based authoritarianism?*, *Communist and Post-Communist Studies*, Vol. 44, No. 3, 2011, p. 189.

III. ELECTIONS AND PARTIES IN MODERN AUTOCRACIES

The sustainability of political institutions is an important element in modern democracies. It allows them to be rooted in society and provides acceptance of the democratic system as legitimate among citizens, offering greater predictability for the behavior and activities of political actors. It also allows for the efficient creating and managing of policies within a firm set of behavioral patterns that do not require spending resources on establishing new rules. The durability of institutions is closely linked to the consolidation of a given political system, which is desired in democracies, but cases from the 20th century show that various autocratic regimes wanted to achieve this durability too. In autocratic regimes that were ruled by some organization, one of the most widespread organizations was the political party that operated within the one-party or hegemonic party system. Thus, the hegemonic parties in communist Poland and in Mexico dominated for decades, regardless of the changes of their leaders. After the departure of each parties' leader from office, the hegemonic parties endured as the bearers of autocratic regimes and hegemons in the political system as a whole. In some post-Soviet countries, where today there is a dominant party we are not sure whether the same thing is happening. There, the change of power is rare compared to Western democracies, therefore it is difficult to give a certain forecast of what will happen to the regime when the rule of the current President ends. In Turkmenistan, for example, the Democratic Party of Turkmenistan (DPT) survived after the death of Türkmenbaşy, but that was, among other things, possible because until 2012 Turkmenistan was a one-party system in which DPT had no competition. Other post-Soviet autocracies have multiparty systems and the Turkmen scenario seems less likely.

In addition to the increased importance of parties, elections in these countries also have a greater role than in the authoritarian systems of the second half of the 20th century. Schedler argues that in contrast to closed autocracy, in which access to the legislative and executive power is blocked, elections are an important element in electoral authoritarianism, which exists in part of the post-Soviet countries.⁷ A similar claim is one of Reuter and Robertson who believe that victory in the election is extremely important for the stability of such

⁷ Schedler, A., *The logic of electoral authoritarianism*, in: Schedler, A. (ed.), *Electoral Authoritarianism: The Dynamics of Unfree Competition*, Boulder, London, 2006, pp. 1 – 23.

regimes.⁸ In such systems elites seek to survive in power after each election, and they will seek to do that at almost any cost. Because of such intentions, political institutions that exist in consolidated democracies are perverted in their non-democratic counterparts. The authoritarian building of institutions is not easy because, according to Bunce and Wolchik, the elite must take into account the fact that their citizens even in elections during the Soviet period learned something about politics, although these elections were undemocratic.⁹ Because of that and of the progress in respect for human rights and political freedoms, a mere abuse of institutions and the arbitrary creation of political processes are more limited than in the past so the regime must be wieldy in choosing the type of institution that will enable it to abuse power and give it an advantage in relation to other actors. In this process different combinations are possible, depending on specific factors and the knowledge and skills of the actors involved.

To make it easier, they need formal rules that seemingly, equally bind all. Both in old and new autocracies, regimes have sought to maintain an illusion of legality by seemingly respecting the procedures of governing that have been prescribed by the constitution and positive legislation. In the new authoritarianism, this is even more pronounced as information to citizens about “something else” is more accessible than before and the manipulation of the public by the regime is more difficult. Authorities are therefore forced to use political institutions in a more sophisticated way and cannot openly show disdain for political pluralism by nominating only one candidate in a single mandate district, but must allow electoral competition for other actors as well.¹⁰ What the authorities can do though is aggravate candidacy, making access to power to remain limited or as virtually closed as before. And with this issue, a country’s constitution and laws show themselves to be important tools for the regime. If circumstances allow for the formation of political parties that will be able to be

⁸ Reuter, J. O.; Robertson, G. B., *Subnational Appointments in Authoritarian Regimes: Evidence from Russian Gubernatorial Appointments*, *The Journal of Politics*, Vol. 74, No. 4, 2012, p. 1026.

⁹ Bunce, V. J.; Wolchik, S. L., *Favorable Conditions and Electoral Revolutions*, *Journal of Democracy*, Vol. 17, No. 4, 2006, p. 9.

¹⁰ “Although many oil-rich leaders can use other less costly strategies such as electoral fraud to win elections, there is added incentive to win elections by seemingly more legitimate means.” (Kendall-Taylor, A., *Purchasing Power: Oil, Elections and Regime Durability in Azerbaijan and Kazakhstan*, *Europe-Asia Studies*, Vol. 64, No. 4, 2012, p. 740).

dominant in the country, the electoral system based on law has a role to preserve this domination in the future. This party quickly becomes dominant and, as Bagashka argues, plays a significant role for the president because “[t]he dominant party in such regimes secures electoral victories for the authoritarian leader, controls congress, mobilizes broad political support for the leader, and resolves conflicts within the political elite.”¹¹ In the post-Soviet space this actor is usually a party of power. This is not a distinct type of party nor does that term indicate the type of a party system within which it operates. It is a party that is associated with the president or the government which it (the party) controls and its goal is to win the parliamentary elections and to control the parliament enabling the concentration of the political power in the executive. It uses administrative and other resources available to the regime to gain an advantage over its opponents and often is the only nationalized political party¹², i.e., the only one that is able to root itself throughout the whole country. Such a strategy of the regime in institution building indicates that the strategy is focused on meeting the needs of the current holders of political positions, not the building of a lasting system.

IV. PROBLEM OF DEFINING THE DOMINANT AND HEGEMONIC PARTY

While part of the literature on political and party systems in post-Soviet countries often cites these countries' main parties as dominant, most often there is no an attempt by authors to explain what they consider a dominant party to be. The dominant party is not a type of political party, but a term that indicates the dominance of one party in a political system, regardless of whether the system is democratic or autocratic. If we want to determine its true type we need to look at the political system in which that party operates. In democratic systems this type of party should be considered a predominant party and in autocratic systems it should be considered a hegemonic party.¹³ However, this typology stems from the mid-1970s when Sartori's book on parties and party systems was published. Today, it is questionable whether the

¹¹ Bagashka, T., *Presidentialism and the Development of Party Systems in Hybrid Regimes: Russia 2000 - 2003*, Europe-Asia Studies, Vol. 64, No. 1, 2012, p. 94.

¹² Tiemann, G., *The Nationalization of political parties and party systems in post-communist Eastern Europe*, Communist and Post-Communist Studies, Vol. 45, No. 1 - 2, 2012, pp. 77 – 89.

¹³ More about differences between those two types of parties in: Sartori, *op. cit.* (fn. 5).

old classifications and typologies are still applicable. Even the simplest ones, like the democracy-autocracy dichotomy have become useless as new forms of categories and types have emerged and a number of transitional units exist between them. Moreover, the use and introduction of new terms and concepts in political theory has become so complicated over time that working with such a variety of concepts requires a semantic and grammatical interpretation that tries to reveal what the author thought of the concept when it was introduced or what she *should* think about it. Sartori's warning about conceptual stretching¹⁴, Collier and Levitsky's warning about the different terms that are used for different forms of democratic and non-democratic regimes¹⁵, similar to Schedler's view that there is a difference between not liberal-democratic, hybrid and authoritarian regimes¹⁶ are some of the indications that there is a problem with the field's use of a number of terms that are often used for the same phenomenon, or at the other end, the same term is used for a variety of phenomena. Thus, already in the definition of the hegemonic party and its party system there is a problem. Although one might think that this is the term Sartori took from Jerzy Wiatr, Wiatr defines a hegemonic political party system in the following way:

“...where all the existing parties form a lasting coalition within which one of them is accepted as the leading force of the coalition.”¹⁷

Giovanni Sartori has defined the hegemonic party in the following manner:

“The hegemonic party neither allows for a formal nor a de facto competition for power. Other parties are permitted to exist, but as second class, licensed parties; for they are not permitted to compete with the hegemonic party in antagonistic terms and on an equal basis. Not only does alternation not occur in fact; it *cannot* occur, since the possibility of a rotation in power is not even envisaged. The implication is that the hegemonic party will remain in power whether it is liked or not. While the predominant party remains submissive to the

¹⁴ Sartori, G., *Concept Misformation in Comparative Politics*, American Political Science Review, Vol. 64, No. 4, 1970, pp. 1033 – 1053.

¹⁵ Collier, D.; Levitsky, S., *Democracy with Adjectives: Conceptual Innovation in Comparative Research*, World Politics, Vol. 49, No. 3, 1997, pp. 430 – 451.

¹⁶ Schedler, A., *What is Democratic Consolidation?*, Journal of Democracy, Vol. 9, No. 2, 1998, pp. 91 - 107.

¹⁷ Wiatr, J. J., *Political Parties, Interest Representation and Economic Development in Poland*, The American Political Science Review, Vol. 64, No. 4, 1970, p. 1239.

conditions that make for a responsible government, no real sanction commits the hegemonic party to responsiveness. Whatever its policy, its domination cannot be challenged.”¹⁸

From this it is clear that Sartori took Wiatr’s term, but it is also obvious that he did not adopt Wiatr’s concept. The concept corresponds to the time when the article was written and to the country and the institution in which he lived and worked, i.e., communist Poland in 1970 and the University of Warsaw. Instead of the Wiatr’s “lasting coalition” in which parties are independent of each other¹⁹, Sartori clearly says that it is a hegemony of one party that the other cannot jeopardize. He further splits this type of a hegemonic party into two subtypes – an ideological-hegemonic party, whose prototype was the Polish United Workers’ Party (PUWP), and pragmatic-hegemonic party, which is less authoritarian and whose prototype was the Mexican Institutional Revolutionary Party (IRP).²⁰

Since publishing his book in 1974, the differences among the hegemonic parties have deepened as undemocratic regimes in the world have changed. The literature also refers to the hegemonic parties in Indonesia, Taiwan, Zambia and others²¹, although the political systems of those countries are very different. In addition to the geographical and cultural factors, differences between political systems are caused by the passage of time. However, what is important for the definition of the hegemonic party even today, is that it operates within a formal multi-party system and its power is guaranteed either by legal acts, and, or, using the government’s and other resources for the purpose of remaining in power. Other parties cannot overthrow it, despite the existence of multi-party elections. This hegemony is characterized by a durability that can last for decades, making the typological designation of the dominant party in Kazakhstan as a hegemonic party important: through it we can hypothesize about the sustainability of the existing authoritarian regime, regardless of who will be the President at a given moment.

¹⁸ Sartori, *op. cit.* (fn. 5), pp. 204 – 205.

¹⁹ Wiatr citira Gomulkinu izjavu o tome: Wiatr, *op. cit.* (fn. 17), p. 1241.

²⁰ Sartori, *op. cit.* (fn. 5), p. 205.

²¹ For example: Suryadinata, L., *The Decline of the Hegemonic Party System in Indonesia: Golkar after the Fall of Soeharto*, Contemporary Southeast Asia, Vol. 29, No. 2, 2007, pp. 333 – 358; Burnell, P., *The Party System and Party Politics in Zambia: Continuities Past, Present and Future*, African Affairs, Vol. 100, No. 399, 2001, pp. 239 – 263; Solinger, D. J., *Ending One-Party Dominance: Korea, Taiwan, Mexico*, Journal of Democracy, Vol. 12, No. 1, 2001, pp. 30 – 42.

V. THE TRANSFORMATION OF THE POLITICAL SYSTEM AND THE DEVELOPMENT OF THE PARTY SYSTEM OF KAZAKHSTAN AFTER THE COLLAPSE OF THE USSR

The historical legacy of communism and the absence of developed state structures affected the political and social processes in Kazakhstan after the collapse of the USSR. The country's pre-communist heritage, which is often mentioned as one of the factors of success of the democratic transition in Central Europe, could not have had a big impact on Kazakhstan because the country did not have a rich political history. Thus the creation of new institutions after the collapse of the Soviet system could not have had any significant historical role models that could have served as an example for their design. The lack of a historical, political heritage contributed to the general lack of people's knowledge about democracy, thus the freedom for building and designing institutions turned into an arbitrary process guided by the government apparatus that was free to form a new political system according to its own interests. Cummings therefore was able to conclude that "While the first three years witnessed a liberalization of political activity, they also sowed the seeds of authoritarianism that had characterized the polity by the close of the 1990s."²² In this and the following sections I examine the transformation of the political system and the development of the party system of Kazakhstan, the formation of the party of power and how it was strengthened with the help of the regime, and the suppression of the opposition that could ultimately threaten its newfound dominance. By looking at Kazakhstan's political and party system we will be able to better answer the question of whether Nur Otan has become a hegemonic party? And if so, what subtype?

The dominant player in Kazakhstan's politics in the past quarter century has been Nursultan Nazarbayev. The communist leader from the late 1980s switched, like almost all of his Central Asian counterparts, to the post-communist reality without stepping down from power. In Kazakhstan and Central Asian countries, leaders have become the personifications of their countries²³ and "Nazarbayev's accumulation of personal political power has since the beginning of the post-independence period been couched in legalistic, constitutional arguments and justified as serving in the national interest of

²² Cummings, S. N., *Kazakhstan: Power and the Elite*, I. B. Tauris, London and New York, 2005, p. 23.

²³ Matveeva, A., *Legitimising Central Asian Authoritarianism: Political Manipulation and Symbolic Power*, *Europe-Asia Studies*, Vol. 61, No. 7, 2009, p. 1100.

Kazakhstan.”²⁴ Even in Soviet times he belonged to the conservative elites of Central Asia that, according to Mishra, in the period of *perestroika* opposed any pluralism which would be manifested in the emergence of new organizations and parties.²⁵ He became Prime Minister of Kazakhstan in 1986 and the First Secretary of the Central Committee of the Communist Party of Kazakhstan (CPK) in 1989. Despite being a politician who worked at the level of the federal unit, he did not advocate its independence. Instead, in a referendum in March 1991 he advocated for the survival of the Soviet Union. In August 1991, he waited 24 hours before he condemned a coup attempt against Gorbachev.²⁶ The final failure of the coup marked the end of any agreement on the restructuring of the Soviet Union and the end of the CPSU, resulting in a limited future for its republican branches. The next month, the CPK was dissolved and in its place the Socialist Party of Kazakhstan (SPK) was founded. After the abolition of the one-party system in March 1990, parties were created in harsh conditions in which they did not enjoy strong social and electoral support, and largely depended on their leaders.²⁷ Nevertheless, there were motives for their founding because parties were necessary for easier and more effective activity in the political arena. Traditionally, clan organizations in the society were extremely important for political activity in Kazakhstan, even since the pre-Soviet period²⁸, but in modern times it was difficult to promote modernization and at the same time rely on the traditional ways of governing.

Nazarbayev during this time was not yet tied to any party. Since the SPK was dominated by ethnic Russians, he supported the establishment of the National Congress Party of Kazakhstan (NCPK)²⁹, which was founded in June 1992.³⁰ In the early 1990s he also participated in the founding meet-

²⁴ Hess, S. E., *Authoritarian Landscapes: State Decentralization, Popular Mobilization and the Institutional Sources of Resilience in Nondemocracies*, Springer-Verlag GmbH, New York, 2013, p. 173.

²⁵ Mishra, M. K., *Democratisation Process in Kazakhstan: Gauging the Indicators*, India Quarterly: A Journal of International Affairs, Vol. 65, No. 3, 2009, p. 314.

²⁶ Elliot, G., *Kazakhstan, Nazarbayev, Foreign Investment & Oil*, Louisiana Law Review, Vol. 53, No. 4, 1993, p. 1246.

²⁷ Karmazina, L., *Institutionalization of the Party System in the Republic of Kazakhstan: Past and Present*, Central Asia and the Caucasus, No. 5 (53), 2008, p. 42.

²⁸ Collins, K., *Clan, Pacts, and Politics in Central Asia*, Journal of Democracy, Vol. 13, No. 3, 2002, pp. 137 – 152.

²⁹ Elliot, *op. cit.* (fn. 26), p. 1247.

³⁰ Sejdumanov, S. T., *Fenomen mnogopartijnosti v Kazahstane*, Almati, 2007, p. 28.

ings of other political organizations, which is evidence to Babak that the executive controlled the formation process of new parties.³¹ For their further development, it was necessary for them to work in a strong parliament, but this was not possible because in Kazakhstan, like in Russia and Ukraine, the President and Parliament were in open or latent conflict. The coalition “Otan-Fatherland” was formed in 1994 and it sought to replace Nazarbayev and Prime Minister Sergei Tereshchenko³², but Nazarbayev eventually survived the attempt. That was also a highlight of the power of the legislature because the newly elected Parliament was dissolved the next year by a decision from the constitutional court. After new elections, legislative and executive bodies moved into a tighter alignment, thereby decreasing the conflict between the two, but the President was still not able to establish a consolidated majority government that he could dominate.

In order to become dominant Nazarbayev needed to integrate himself into the party system and through it, obtain his domination over the Parliament.³³ He tried to create a strong pro-presidential party from the Socialist Party, NCPK or the Union of the People’s Unity of Kazakhstan (UPUK) but he failed.³⁴ This failure was, among other things, the result of what Way, in the example of Moldova, calls *pluralism by default*. This means that the autocratic government cannot consolidate itself because society and elites are divided and the regime fails to establish tight control over them.³⁵ In Kazakhstan, the division was reflected in the ethnic heterogeneity of the society in which, at the time of independence, no ethnic group formed an absolute majority of the population – Kazakhs had only a relative majority of around 40%, only slightly more than the Russians who certainly did not look at Nazarbayev as their leader. In addition, the Kazakhs have historically been divided into three

³¹ Babak, V., *Kazakhstan: How Its Multiparty System Came Into Being*, Central Asia and the Caucasus, No. 2 (32), 2005, p. 83.

³² Olcott, M. B., *Kazakhstan: Nursultan Nazarbaev as strong president*, in: Taras, R. (ed.), *Postcommunist presidents*, Cambridge University Press, Cambridge, 1997, p. 112.

³³ Cindy Skach considers as essential that President in semi-presidential system is integrated into a country’s party system because otherwise the whole political system may come in a crisis. In: Skach, C., *Borrowing Constitutional Design: Constitutional Law in Weimar Germany and the French Fifth Republic*, Princeton University Press, Princeton and Oxford, 2005, p. 124.

³⁴ Olcott, *op. cit.* (fn. 32), p. 122.

³⁵ Way, L., *Pluralism by Default in Moldova*, *Journal of Democracy*, Vol. 13, No. 4, 2002, pp. 127 – 141.

hordes - Small, Medium and Large - which have been further divided into clans.³⁶ And finally, the political and business elite are interrelated and must take into account the interests of each other in order to succeed and maximize their own interests.³⁷ Although such divisions impeded Nazarbayev's consolidation of his own power, he managed to hold a referendum in 1995 in which he received an extension of his five-year term until 2000, without a new presidential election. In early elections in 1999 he was again elected to a seven-year term. And then, for the first time, Nazarbayev seriously began building his party of power. This was done by a combination of constitutional and legal provisions and the manipulation of elites and state resources. The process was difficult and influenced the whole party system. After 2001 the system was characterized, according to Isaacs, by the elite fragmentation, formation of new parties and the eventual pro-presidential consolidation.³⁸

VI. BUILDING OF THE PARTY OF POWER FROM 1999 TO 2004 AND DESTRUCTION OF THE OPPOSITION

To build a successful party of power and for it to achieve domination, it was necessary to survey the legal ground. Legally, this was done with the change of the Constitution and the adoption of laws with which Kazakhstan, and other post-Soviet republics, at the beginning of the 1990s formally legalized multipartism and multiparty elections. Those laws were latter changed in Kazakhstan, in favor of the dominant party. The first post-Soviet Constitution of Kazakhstan was adopted in 1993.³⁹ The new constitution kept the old model of the Parliament: the Supreme Soviet as the name of the legislature, its unicameral structure and mandate of five years (Chapter 12). The electoral system was not mentioned. Parties were barely mentioned, albeit it was emphasized that they cannot be formed on religious grounds (Art. 58). Only

³⁶ Olcott, *op. cit.* (fn. 32), p. 116.

³⁷ Kjárnet, H.; Satpaev, D.; Torjesen, S., *Big Business and High-level Politics in Kazakhstan: An Everlasting Symbiosis?*, China and Eurasia Forum Quarterly, Vol. 6, No. 1, 2008, p. 95.

³⁸ Isaacs, R., *Elite Fragmentation and ProPresidential Party Consolidation: Understanding Party System Development in Kazakhstan since 2001*, Journal of East European and Asian Studies, Vol. 2, No. 1., 2011, p. 113.

³⁹ *Конституция Республики Казахстан 1993 года*, https://ru.wikisource.org/wiki/March_17th_2016.

two years later a new constitution⁴⁰ was approved in the referendum and it founded a bicameral Parliament: the first chamber, the Mazhilis, whose 67 MPs were elected by a majority system for a term of four years and the second chamber, the Senate, which consisted of two representatives from each region, who were elected by members of their assemblies for the same four-year term (Art. 50). The Constitution provides that MPs have no imperative mandate (Art. 52). The government is responsible to the President and the Parliament but, like in the Russian case, this was only a formal provision because Parliament in reality could not impose its views on the President or on the composition or the survival of the government.⁴¹ On the other hand, the Constitution accepted some restrictive provisions, which did not even exist in democratic systems. Thus, the President was forbidden to be a member of a political party. Although this limited his power, it was contrary to the mentioned Skach's warning on why the integration of the powerful President in the party system is important for the stability of the political system. But no restriction could be sustained because the Constitution was changed in 1998 to favor Nazarbayev – the presidential term was extended from five to seven years, the upper age limit for President was abolished, and the lower limit was increased from 35 to 40 years. The number of members of the Mazhilis increased from 67 to 77, and those ten new MPs were to be elected from electoral lists with the legal threshold of 7%.⁴² This meant a change from a majority electoral system to a mixed system, and for the first time, at least one segment of voting began to favor the development of the party system in the country. In addition to this favorable legal position, there were adverse social and political conditions that influenced the formation and activities of parties. Abazov argues that the main weakness of most opposition parties was their focus on the capital Astana and the neglect of the provinces.⁴³ In addition, Isaacs connects the emergence of parties in Kazakhstan with the fragmentation of the elite, which began in

⁴⁰ *Конституция Республики Казахстан Конституция принята на республиканском референдуме 30 августа 1995 г.*, <http://bestprofi.com/home/document/406962812?2>, March 17th 2016.

⁴¹ Boban, D., *Polupredsjednički sustavi Rusije i Poljske*, Fakultet političkih znanosti, Zagreb, 2011, pp. 129 – 130.

⁴² *О внесении изменений и дополнений в Конституцию Республики Казахстан Закон Республики Казахстан от 7 октября 1998 года N 284-І*, <http://bestprofi.com/home/document/88018580?3>, March 17th 2016.

⁴³ Abazov, R., *The 1999 Presidential Elections in Kazakhstan*, Electoral Studies, Vol. 20, No. 2, 2001, p. 316.

1998 when former Prime Minister Akezhan Kazhegeldin founded the Republican People's Party of Kazakhstan (RPPK).⁴⁴ Isaacs argues that this was a significant event because the conflict and competition among the elite entered the public sphere.⁴⁵ Disobedience of this party soon encountered a response by the regime and in the October 1999 elections the RPPK withdrew from the PR segment of voting because Kazhegeldin was disqualified from party lists for some administrative penalty.⁴⁶

1999 was a turning point in the development of the party system as the Republican Party Otan emerged and would eventually come to dominate Kazakhstan's politics. During its first congress in March Otan merged with several other parties and thus began the consolidation of the party scene.⁴⁷ The purpose of its foundation was to consolidate the pro-presidential forces, providing Nazarbayev with electoral support and facilitate their domination in the PR segment of voting in the parliamentary elections that year.⁴⁸ Nazarbayev was elected as its president, but as he, according to the Constitution, could not be a member of any party, he immediately suspended his membership.⁴⁹ In the elections Otan scored a relative victory, winning 23 of 77 seats in the Mazhilis.⁵⁰ Although it still was not a domination, it was the beginning of its rise. In the early years the party itself was just as responsible for its success as the political circumstances were not favorable for other actors. Quite apart from the fragmentation of the elite that gave rise to the emergence of parties, these parties were marked by the inability (or lack of desire) to programmatically open themselves to the population because they often derived their interests on behalf of the elite, rather than as an effort to achieve social and economic progress in the country. An illustrative example of this is the foundation of a public association Democratic Choice of Kazakhstan (DCK) in 2001. It was founded due to the personal and particular interests of a segment of the elites

⁴⁴ Isaacs, *op. cit.* (fn. 38), p. 118.

⁴⁵ *Ibid.*

⁴⁶ Franklin, J., *Kazakhstan: Parliamentary Elections August 2007, NORDEM Report 6/2007*, NORDEM and Norwegian Centre for Human Rights, 2007, p. 3.

⁴⁷ Babak, *op. cit.* (fn. 31), p. 85.

⁴⁸ Karmazina, *op. cit.* (fn. 27), p. 44.

⁴⁹ Babak, *op. cit.* (fn. 31), p. 85.

⁵⁰ Inter-Parliamentary Union, *Kazakhstan, Parliamentary Chamber: Mazhilis, Elections Held in 1999*, http://www.ipu.org/parline-e/reports/arc/2165_99.htm, March 24th 2016.

that felt damaged by the distribution of wealth in the country.⁵¹ Nazarbayev was at first conciliatory toward them, but for the DCK that was not enough. They wanted to weaken the dominant role of the President in the political system of Kazakhstan.⁵² Although it publicly expressed support to Nazarbayev, he eventually did not accept co-operation with DCK and along with the other part of the elite, he turned against it.⁵³ The creation of the DCK was a shock for Nazarbayev because many prominent individuals were engaged in its founding, from the Deputy Prime Minister Uraz Zhandosov to several MPs, ministers and other prominent individuals.⁵⁴ Junisbai and Junisbai emphasize that this intra-elite split combined with fragmented economic interests could have led to a change in the political system.⁵⁵ In such a situation Nazarbayev had to gather the rest of the elite around himself in order to stabilize his rule. For this could serve his party, but unlike Putin who after the founding of United Russia's mostly managed to gather the political elite and quickly get rid off rivals, Nazarbayev could not yet do that with Otan. Nevertheless, he was not passive and soon after there was a backlash aimed at the DCK from the regime. The following year its leader was sentenced to seven years in prison⁵⁶ on charges of the abuse of power while he was Governor of the Pavlodar Oblast.⁵⁷

Further consolidation of the President's power and part of the elite's power took place with a combination of legal and illegal methods. In addition to relying on the Constitution, certain laws were adopted that could also contribute to boosting the President's power. After a "negative" experience of the regime with new parties, the Law on Parties in 2002⁵⁸ sought to give the party of power a legal advantage over its rivals. The content of the law initially did not suggest that it created a legal ground for the foundation of a hegemonic

⁵¹ Isaacs, *op. cit.* (fn. 38), p. 119.

⁵² Ostrowski, W., *The Legacy of the 'Coloured Revolutions': The Case of Kazakhstan*, *Journal of Communist Studies and Transition Politics*, Vol. 25, No. 2 - 3, 2009, p. 355.

⁵³ Karmazina, *op. cit.* (fn. 27), p. 45.

⁵⁴ Isaacs, *op. cit.* (fn. 38), p. 119.

⁵⁵ Junisbai, B.; Junisbai, A., *The Democratic Choice of Kazakhstan: A Case Study in Economic Liberalization, Intraelite Cleavage, and Political Opposition*, *Demokratizatsiya*, Vol. 13, No. 3, 2005, p. 374.

⁵⁶ Franklin, *op. cit.* (fn. 46), p. 3.

⁵⁷ Radio Free Europe/Radio Liberty (hereinafter: RFE/RL), *Kazakh Opposition Leader Given Early Release*, <http://www.rferl.org/content/article/1063816.html>, May 24th 2013.

⁵⁸ *Law of the Republic of Kazakhstan on Political Parties*, <http://www.legislationline.org/documents/action/popup/id/8899>, January 11th 2016.

system because it was based on principles that were characteristic for democratic political systems. One such principle is that parties must be organized according to the territorial principle (Art. 5, par. 4), thereby accepting the modern principle of their organization rather than continuing to apply the old Soviet principle of organizing parties by institutions and businesses, which allowed greater party control over the state and society. The law introduced a provision which prohibited the foundation of parties based on certain professions, race, nationality, ethnic origin and religion (Art. 5, par. 8). According to Ó Beacháin, this made it impossible to form ethnic Russian and Islamist parties that could be a threat to Nazarbayev.⁵⁹ The law provided that a party had to be established by at least a thousand people at the inaugural congress (conference) but under the condition that they should represent two-thirds of the region (Art. 6, par. 1). This requirement was significantly complicated by the provision that requires that a party must have at least 50,000 members in all regions with at least 700 members in each one in order to be registered in the Ministry of Justice (Art. 10, par. 5). According to Art. 13, para. 1, the activity of a party can be suspended under a court decision for a period of three to six months for reasons listed in the law concerning the protection of the constitutional order of the country or the reference to social, ethnic, racial, religious, class or tribal discord. According to Art. 13, para. 2, in the case of the suspension of a party, its leaders and members within the specified period may be banned from appearing in the media or participating in public events. The law in Art. 14 enumerates the grounds on which courts can liquidate a political party. Particularly interesting are two reasons mentioned in para. 5, no. 6) and 7): if the party twice did not take part in elections for Mazhilis and if less than 3% of active voters voted for the party in the elections for Mazhilis.

According to the annual report of Freedom House in 2015, “The constitution makes the judiciary subservient to the executive branch. Judges are subject to political bias, and corruption is evident throughout the judicial system. Conditions in pretrial facilities and prisons are harsh. Police at times abuse detainees and threaten their families, often to obtain confessions, and arbitrary arrest and detention remain problems.”⁶⁰ With this in mind, Kazakh courts, which are controlled by the regime, can, due to a number of legal reasons,

⁵⁹ Ó Beacháin, D., *Parliamentary elections in Kazakhstan, September and October 2004*, Electoral Studies, Vol. 24, No. 4, 2005, p. 763.

⁶⁰ Freedom House, *Kazakhstan*, <https://freedomhouse.org/report/freedom-world/2015/kazakhstan>, January 14th 2016.

suspend a party or completely liquidate it, making the courts an effective tool in the hands of the regime for controlling the party system. The same year saw the adoption of a restrictive media law against which journalists protested and which, among other things, prescribed punishment for defamation and determined that the law could be cited only by higher officials, but no other ones.⁶¹ Due to such restrictive provisions, the Law on Parties favored only Otan while it tried to prevent even the foundation of other parties. Existing parties, after the adoption of the law, had to re-register themselves and that reduced their number since only some satisfied the new legal requirements.⁶² At the end of 2002 there were 19 parties, and in November 2003 only eight parties remained.⁶³

VII. THE TRANSFORMATION OF THE PARTY OF POWER INTO THE DOMINANT PARTY

In addition to weakening the strength of opposition parties, Otan made further headway in the next parliamentary elections held in September and October 2004. Its goal, according to Ó Beacháin, was already clear at that time and that was to support President Nazarbayev.⁶⁴ Eleven parties participated in elections, of which four parties were united in two electoral blocs.⁶⁵ The pro-presidential parties were Otan, Asar (Together)⁶⁶, the Democratic Party of Kazakhstan (DPK)⁶⁷ and the electoral bloc Aist.⁶⁸ The only opposition party that managed to enter the Parliament was Ak Zhol (Bright Path)⁶⁹, founded in 2002, after the split in the DCK. According to Ó Beacháin, Ak Zhol was

⁶¹ Vries, M. S. de; Sobis, I., *Reluctant Reforms: The Case of Kazakhstan*, Public Organization Review, Vol. 14, No. 2, 2014, pp. 139 – 157.

⁶² Karmazina, L., *Institutionalization of the Party System in Kazakhstan and Russia: A Comparative Analysis, Part II*, Central Asia and the Caucasus, No. 1 (55), 2009, p. 116.

⁶³ Mishra, *op. cit.* (fn. 25), p. 321.

⁶⁴ Ó Beacháin, *op. cit.* (fn. 59), p. 764.

⁶⁵ *Ibid.*

⁶⁶ RFE/RL, *Kazakh Opposition: Election Results Falsified*, <http://www.rferl.org/content/article/1054980.html>, May 22nd 2013.

⁶⁷ RFE/RL, *Final Kazakh Election Results Announced*, <http://www.rferl.org/content/article/1055161.html>, May 22nd 2013.

⁶⁸ RFE/RL, *Kazakh Opposition Wins – One Seat In Parliament*, <http://www.rferl.org/content/article/1054978.html>, May 22nd 2013.

⁶⁹ Ó Beacháin, *op. cit.* (fn. 59), p. 768.

the most credible alternative to the government. Behind the party stood a few wealthy businessmen and many former supporters of Nazarbayev⁷⁰, albeit it won only one seat.⁷¹ After its founding the party offered constructive opposition that did not directly attacked Nazarbayev, but then later it turned into a radical opposition party.⁷² According to Junisbai and Junisbai, “In the context of the policy of Kazakhstan, radical opposition includes those who believe that the President and his administration are the primary obstacles to political reform and democratization.”⁷³ Otan for the first time achieved an absolute majority in Mazhilis, winning 42 seats.⁷⁴ After the election, ODIHR EOM in its report noted that “*A number of aspects of the improved election legislation were not implemented in an effective and impartial manner* [Italics in original].”⁷⁵ This claim contributed to the criticism of Zharmakhan Tuyakbai, president of the Mazhilis and one of the leaders of Otan, who criticized Nazarbayev and marked the elections as fraudulent, and the next year he became the main opposition candidate for President.⁷⁶ Such a move to the opposition has not been an exception in Kazakhstan and this, according to Karmazina, has been for two reasons: one, some people, due to their excessive ambition have fallen out of favor, while others have violated the unwritten rules of the ruling elite.⁷⁷ The opposition nevertheless tried to pursue resistance and created the Coordinating Council of Democratic Forces which consisted of the Ak Zhol, the Communist Party of Kazakhstan and the DCK.⁷⁸ Then, in the summer 2005, the association “For A Fair Kazakhstan” was registered.⁷⁹

Otan’s victory in the 2004 elections, and its transformation into the dominant party did not satisfy the regime. Between the 2004 and 2007 elections,

⁷⁰ *Ibid.*, p. 765.

⁷¹ RFE/RL, *op. cit.* (fn. 67).

⁷² Junisbai, Junisbai, *op. cit.* (fn. 55), p. 386.

⁷³ *Ibid.*

⁷⁴ Franklin, *op. cit.* (fn. 46), p. 3.

⁷⁵ *Ibid.*, p. 1.

⁷⁶ RFE/RL, *Kazakhstan: Parliamentary Speaker Bluntly Criticizes Elections, But For What Purpose?*, <http://www.rferl.org/content/article/1055356.html>, May 22nd 2013.

⁷⁷ Karmazina, L., *Opposition in Kazakhstan: Nagging Problems*, Central Asia and the Caucasus, No. 4 - 5 (58 - 59), 2009, p. 177.

⁷⁸ RFE/RL, *Central Asia: Opposition Groups Seek Strength In Unity*, <http://www.rferl.org/content/article/1057339.html>, May 22nd 2013.

⁷⁹ RFE/RL, *Kazakh Opposition Alliance Registered*, <http://www.rferl.org/content/article/1060383.html>, May 22nd 2013.

the control of the executive over the judiciary, the persecution of opposition politicians by the judiciary and the state's repressive apparatus, the use of administrative resources in favor of the dominant party and the use of legislation for its own interests, suggest that the strengthening of Otan was only possible thanks to the sponsorship of the President who was a dominant actor in the political system. In August 2005, provincial and local officials selected a new half of the second chamber of the Parliament, the Senate, and only candidates who belonged to the Otan or were non-partisans were selected.⁸⁰ The pressure of the judiciary and the repressive apparatus against the opposition was manifested in a series of examples. First, the public prosecutor in Almaty requested in December 2004, at the same time as the Orange Revolution took place in Ukraine, a ban on the DCK⁸¹ because "it violated national security laws"⁸², i.e., for calling for protests after the parliamentary elections in September.⁸³ In April 2005, the law prohibited demonstrations in the period before and after the elections⁸⁴ and the next month the opposition weekly "Respublika" was banned.⁸⁵ In November 2005 the former mayor of Almaty Zamanbek Nurkadilov was killed. The official investigation concluded that he had committed suicide by shooting himself twice in the chest before he shot himself in the head, while "For A Fair Kazakhstan" claimed it was a political murder.⁸⁶ Then in February 2006 co-chairman of Nagyz Ak Zhol Altynbek Sarsenbaev was killed.⁸⁷ For this murder, five members of the Committee for National Security (CNS) were arrested.⁸⁸ In the same month, the other co-chair of the Nagyz Ak Zhol Bulat Abilov, head of the Alga Peter Svoik and some journal-

⁸⁰ RFE/RL, *Kazakhstan: Senate Selection Holds Unusual Significance*, <http://www.rferl.org/content/article/1060774.html>, May 23rd 2013.

⁸¹ Ostrowski, *op. cit.* (fn. 52), p. 358.

⁸² RFE/RL, *Kazakh Opposition Fears Crackdown Is Looming*, <http://www.rferl.org/content/article/1056750.html>, May 22nd 2013.

⁸³ RFE/RL, *Kazakhstan: Opposition Party Faces Official Ban Ahead of Elections*, <http://www.rferl.org/content/article/1056931.html>, May 22nd 2013.

⁸⁴ Junisbai, Junisbai, *op. cit.* (fn. 55), p. 386.

⁸⁵ RFE/RL, *Central Asia: Uprisings, Democracy Movements Prompt Kazakh Curtailments*, <http://www.rferl.org/content/article/1059151.html>, May 22nd 2013.

⁸⁶ RFE/RL, *Kazakh Opposition Figure's Death Ruled Suicide*, <http://www.rferl.org/content/article/1063345.html>, April 19th 2016.

⁸⁷ RFE/RL, *Kazakhstan: Opposition Figure Found Shot Dead Near Almaty*, <http://www.rferl.org/content/article/1065719.html>, April 7th 2016.

⁸⁸ RFE/RL, *Kazakh Secret Agents Held Over Sarsenbaev's Killing*, <http://www.rferl.org/content/article/1066001.html>, May 24th 2013.

ists were found by a court decision guilty for organizing an unauthorized rally in Almaty.⁸⁹ In May, the opposition politician Alibek Zhumabaev was sentenced to five years in prison for insulting the personal dignity and honor of President Nazarbayev.⁹⁰

In parallel with the regime's pressure, the opposition further fragmented. Ak Zhol split up in early 2005 and a new faction was founded, the above mentioned Nagyz Ak Zhol (True Bright Path).⁹¹ The party was formally registered in March 2006⁹² and in 2008 was renamed to the Azat.⁹³ In early 2006, the government and the court refused to register a new party Alga (Forward) because they claimed that the signatures required for registration were not all valid.⁹⁴ The National Social Democratic Party (NSDP) was founded in September 2006, and led by Tuyakbai.⁹⁵ While the opposition was acting in adverse conditions, the Otan continued with its consolidation and in the middle of 2006 united with the party Asar, headed by the President's daughter Dariga, in November Otan then united with the Civil Party of Kazakhstan (CPK), and in December with the Agrarian Party of Kazakhstan (APK). It then renamed itself into the People's Democratic Party Nur Otan.⁹⁶ Karmazina argues that those events show the shift from the President's mere support of Otan to his patronage over it.⁹⁷

The President completely controlled the executive – under the Constitution and in practice – and this control he partly left to the Parliament only after he became Nur Otan's patron in 2006 and the party strengthened its

⁸⁹ RFE/RL, *Kazakh Opposition Leaders Begin Hunger Strike*, <http://www.rferl.org/content/article/1066287.html>, May 24th 2013.

⁹⁰ RFE/RL, *Kazakh Oppositionist Sentenced for Civil Disorder*, <http://www.rferl.org/content/article/1068443.html>, May 24th 2013.

⁹¹ RFE/RL, *Kazakhstan: Opposition Group Reappears Under New Name*, <http://www.rferl.org/content/article/1058594.html>, May 22nd 2013.

⁹² RFE/RL, *Kazakh Authorities Register Opposition Group*, <http://www.rferl.org/content/article/1066924.html>, May 24th 2013.

⁹³ Isaacs, *op. cit.* (fn. 38), p. 120.

⁹⁴ RFE/RL, *Kazakh Court Upholds Ban on Alga Party*, <http://www.rferl.org/content/article/1068941.html>, May 29th 2013.

⁹⁵ RFE/RL, *New Opposition Party Set up in Kazakhstan*, <http://www.rferl.org/content/article/1071222.html>, 30. May 30th 2013.

⁹⁶ Kennedy, R., *Consolidation of Political Parties in Kazakhstan Strengthens President's Hand*, (01/24/2007 issue of the CACI Analyst), 2007, <http://old.cacianalyst.org/?q=node/4418>, December 9th 2013.

⁹⁷ Karmazina, *op. cit.* (fn. 62), p. 117.

dominance in the party system. Then he could be sure that the illusion of separation of powers could be maintained, along with what looked like further democratization. In the end though, the President's power was not disturbed at all. The formal transfer of part of the President's power and control over the government to the Parliament was carried out by changing the Constitution before the 2007 elections. The powers of the President were reduced, but in practice this did not decrease his power in the political system. The number of members of the Parliament was increased. Under the new provision, of the 107 deputies in the Mazhilis nine are appointed by the Assembly of Peoples of Kazakhstan, the coordinating body that brings together representatives of different ethnic groups in the country⁹⁸, while other MPs are elected. For potential consolidation of the party system it became important to repeal provisions that public officials could not be party members. President Nazarbayev could finally, officially become the leader of Nur Otan.⁹⁹ Although at that moment it was suitable only for Nur Otan, in the long term such a provision allowed parliamentary parties to enter into the executive, and therefore create a greater amount of democratic legitimacy for the government. In addition, the Constitutional law on elections was also changed, it introduced a PR at-large electoral system and legal threshold of 7%.¹⁰⁰ Nur Otan in these elections won all seats in the Mazhilis. Other parties were not only defeated but were completely thrown out of the Parliament. The multi-party system survived in Kazakhstan albeit in the Parliament a one-party system was created. Such a situation did not exist even in communist Poland and East Germany where satellite parties were controlled by the ruling Communist Party but their presence in the Parliament at least maintained the illusion of a multi-party system. Because opposition parties in Kazakhstan could not enter the Parliament, "the Majilis set up a Public Chamber in which all interested parties could present their ideas about the country's economic and political future and suggest corresponding mechanisms."¹⁰¹ Deliberation was in this way expelled from the

⁹⁸ Yves-Marie, D., *Cultural mobilization in post-Soviet Kazakhstan: views from the state and from non-titular nationalities compared*, Central Asian Survey, Vol. 31, No. 1, 2012, p. 20.

⁹⁹ Isaacs, R., *Managing Dissent, Limiting Risk and Consolidating Power: The Processes and Results of Constitutional Reform in Kazakhstan*, Central Asia and the Caucasus, No. 1 (49), 2008, p. 24.

¹⁰⁰ *О выборах в Республике Казахстан*, http://adilet.zan.kz/rus/docs/Z950002464_ (24. March 24th 2016).

¹⁰¹ Karmazina, *op. cit.* (fn. 62), p. 119.

Parliament and transferred to the quasi-parliamentary body with no legislative or any other power. The opposition has instead established the People's Parliament (*Khalyk kenesi*)¹⁰², also a quasi-parliamentary body whose foundation showed that there was a crisis in the legitimacy of the political system. At that time, the stronger form of opposition than parties were businessmen and oligarchs whose interests authorities had to take into account.¹⁰³ Such dominance of Nur Otan did not stop increased pressure against the opposition. In May 2009, the leaders of Azat and unregistered Alga and co-chairman of the Communist Party were convicted for allegedly helping two criminals to gain political asylum in Ukraine.¹⁰⁴ In October 2010, the head of the Alga Vladimir Kozlov announced his candidacy in the presidential elections in 2012 and after that the tax authorities announced that they are investigating him for tax evasion.¹⁰⁵ In the early presidential elections in April 2011, Nazarbayev again won easily. In the 2012 parliamentary elections, Nur Otan had to leave part of the seats to other parties but its hegemony continued. It won 83 seats in the Parliament, Kazakhstan's Democratic Party – Ak Zhol eight and the Communist People's Party of Kazakhstan (CPPK) seven.¹⁰⁶ In March 2015, Nazarbayev again convincingly won early presidential elections. In the March 2016 parliamentary elections the superiority of Nur Otan was again confirmed by its winning 84 seats while Ak Zhol and CPPK won seven seats each.¹⁰⁷

¹⁰² *Ibid.*, p. 120.

¹⁰³ Bowyer, A. C., *Parliament and Political Parties in Kazakhstan*, Central Asia-Caucasus Institute & Silk Road Studies Program - A Joint Transatlantic Research and Policy Center, Washington, Stockholm, 2008, p. 20.

¹⁰⁴ RFE/RL, *Kazakh Court Upholds Convictions Of Opposition Leaders*, http://www.rferl.org/content/Kazakh_Court_Upholds_Convictions_Of_Opposition_Leaders/1788355.html, June 25th 2013.

¹⁰⁵ RFE/RL, *Kazakh Opposition Party Leader In Tax Evasion Probe*, http://www.rferl.org/content/Kazakh_Opposition_Party_Leader_In_Tax_Evasion_Probe_/2204888.html, February 9th 2015.

¹⁰⁶ Kazakhstan Election Commission, *Republic of Kazakhstan, Legislative Election of 15 January 2012*, <http://psephos.adam-carr.net/countries/k/kazakhstan/kazakhstan2012.txt>, March 21st 2016.

¹⁰⁷ RFE/RL, *Kazakh Ruling Party Wins Most Seats In Parliament*, <http://www.rferl.org/content/kazakh-ruling-party-wins-most-seats-in-parliament/27628227.html>, March 24th 2016.

VIII. THE CHARACTERISTICS OF THE PARTY SYSTEM AND THE DOMINANT PARTY IN KAZAKHSTAN

The party system of Kazakhstan has certain similarities with the much better-known example of the party system of Russia. They are reflected in the emergence of the dominant party of power and crucial influence of the institutions of the system of government on the party system. In addition, in these two countries the start of the millennium was marked by the strengthening of the President's domination over all other actors and the beginning of his integration into the party system. But, there are also differences which primarily concern the relationship of the President to the parties. Unlike Russia, where Putin has influenced the formation of at least part of the formal opposition, while also being forced to accept the continued activities of the small, real opposition, in Kazakhstan, Nazarbayev, in recent years, has sought to establish a de facto one-party system.¹⁰⁸ This system resembles the hegemonic party system of Sartori's type, in which there are multiple parties but none of them can threaten the hegemonic ruling party. Those that entered the Parliament in the last two terms have been as pro-presidential as the dominant one. But before we can give a definitive answer on the question of whether Nur Otan is a hegemonic party, its position in the political system of Kazakhstan raises the question of whether it is really a political party in the true sense of the term. Sartori argues that a political party is a party only if it competes in elections for power.¹⁰⁹ Nur Otan participates in elections and seeks various legal and other means to win a majority, or even all the seats in the Parliament.

However, Isaacs's mentioned claim that this party does not have power nor is attaining power its goal, calls into question its character as a political party. While meeting all the legal requirements to be registered as such, and holding all the required organizational characteristics, Nur Otan can theoretically be considered a party; however, in functional terms it is only a semblance of a political party. In addition, according to Isaacs and Whitmore, Nur Otan is not a means for distributing benefits and resources nor the place for policy-making.¹¹⁰ These features thus reduce the content of the term "party" for Nur

¹⁰⁸ Kennedy, *op. cit.* (fn. 96).

¹⁰⁹ Sartori, *op. cit.* (fn. 5), p. 57.

¹¹⁰ Isaacs, R.; Whitmore, S., *The limited agency and life-cycles of personalized dominant parties in the post-Soviet space: the cases of United Russia and Nur Otan*, Democratization, Vol. 21, No. 4, 2014, p. 700.

Otan, albeit the Kazakh lawmakers were theoretically quite strict when it came to some other features that political parties should have. Thus, they (probably unknowingly) implemented Sartori's claim about parties into the Law on Political Parties in 2002, in which there is a provision that the court may prohibit a party if it twice in a row does not participate in parliamentary elections.¹¹¹ In this way legislator forces all parties to function under Sartori's criteria, with the exception of its own because in the current circumstances it does not compete for power in the true meaning of the word. Although one might think that such a provision should encourage other parties to compete in the political arena, behind it can stand different motives. Some parties might boycott elections¹¹², but the regime with such a provision discourages them from doing so, and they are forced by their participation in elections to legitimize the system and the existing election rules that they do not favor. Just as non-democratic actors in a consolidated democracy are forced to accept it "because a stable political and institutional framework conditions do not promise a successful system that is an alternative to democracy"¹¹³ so democratic actors in autocracy are forced to accept the non-democratic rules of the game if they do not want to completely disappear from the political arena.

Such policy with which the regime decides to consolidate itself has a negative effect on the regime in the long-run. With no possibility to participate in government, non-regime actors further radicalize themselves and thereby even mobilize in a manner that may eventually overthrow the regime. The regime must also constantly adapt to the existing dangers and even if it successfully removes or pacifies the opposition, it is success for a limited duration. An autocratic regime can never consolidate itself like a democracy can, but can only experience temporary periods of stability. While democracy may become the "only game in town", autocracy in most of the contemporary world embraces at least a germ of its own collapse, and therefore cannot become "the only game". The very nature of democracy is the open access to power via free and fair elections, while the nature of autocracy is closed access. But precisely because it is closed, the opposition tries to find a variety of mechanisms to open it and thus destroys an essential element of this type of regime, which means

¹¹¹ Buluktaev, Y., *2004 Elections in Kazakhstan: Strategy and Tactics of the Political Parties*, Central Asia and the Caucasus, No. 1 (31), 2005, p. 20.

¹¹² *Ibid.*

¹¹³ Translated from: Merkel, W., *Transformacija političkih sustava: Uvod u teoriju i empirijsko istraživanje transformacije*, Fakultet političkih znanosti, Zagreb, 2011, p. 109.

the opposition constantly seeks to destabilize the regime. Therefore, it cannot be expected that the conformist behavior of undemocratic actors in democracy could be accepted by non-regime actors in an autocracy.

IX. CONCLUSIONS: THE TYPE OF NUR OTAN'S HEGEMONY

We can conclude that Nur Otan is a political party in a legal sense and to some degree in a political sense, but of what type? Sartori splits his hegemonic party into two subtypes – the ideological-hegemonic party and the pragmatic-hegemonic party, but in the post-Soviet space, some parties of power have a completely new feature that distinguishes them from Poland's PUWP and Mexico's IRP. Perhaps the most important feature is that, as we can see in Kazakhstan, they are not "hegemonic" in the entire political system, but only in the party system. Contrary to the PUWP and the IRP, the formation and coming to power of post-Soviet parties of power crucially depends on presidents who are their founders, like Putin and Nazarbayev. The party of power is not necessarily a hegemonic party as it may be a temporary creation that disappears from the political scene if it does not achieve its goal, but each hegemonic party in the post-Soviet space is necessarily the party of power because its hegemonic status depends on its relation with the president. March goes further and argues that:

"The crucial difference between the party of power and other hegemonic parties is that whereas the latter have mass membership, coherent structures, and consistent ideologies and are the central conduits for policy making and patronage, in the former, the source of authority lies entirely outside the party (in presidential structures). Moreover, the party of power is never completely "in power" but simply a disposable component of broader regime-type relationships – that is, a "hegemonic bloc" in the Gramscian sense – used instrumentally by those already in power to remain there."¹¹⁴

The crucial difference between Nur Otan on the one side, and the PUWP and the IRP on the other, lays in the fact that both latter parties had heads who controlled them and were leaders of the country, but they did not have so much power as to disband their party, overthrow it or outlive it. That directly affects the power relations among the various actors within the politi-

¹¹⁴ March, L., *Managing Opposition in a Hybrid Regime: Just Russia and Parastatal Opposition*, *Slavic Review*, Vol. 68, No. 3, 2009, p. 510.

cal system. An important feature of post-Soviet political system is, like the Mexican during the existence of the hegemonic party system¹¹⁵, the powerful president who enjoys the greatest political power in the country. Nur Otan resembles some elements of pragmatic-hegemonic party more than ideological-hegemonic party. First, like in Mexico not all other parties are its satellites, but there is a real opposition, even if it is weak. Second, the Mexican single-mandate electoral system contributed to the power of the IRP as much as the proportional system contributes to the power of Nur Otan. But, there is also a big difference. Even if the Mexican Congress was weak¹¹⁶ and presidents ruled “in a manner that is reminiscent of the Roman-type dictator”¹¹⁷, according to the Mexican Constitution they could rule only one six-year term (Art. 83).¹¹⁸ This prevented them from becoming long-term masters of their polity, like Nazarbayev in Kazakhstan. According to an official of Nur Otan, Nur Otan’s ideal party is the Liberal Democratic Party of Japan and parties in Sweden and Malaysia¹¹⁹, although knowing the contemporary political history of Japan and Sweden with their democratic political systems and much more competitive elections it is unclear how this could be linked.

The analysis in this article of the Constitution and relevant laws and political practice shows that Nur Otan corresponds to the essential elements of the Sartori’s definition of a hegemonic party: “The hegemonic party neither allows for a formal nor a de facto competition for power. Other parties are permitted to exist, but as second class, licensed parties; they are not permitted to compete with the hegemonic party in antagonistic terms and on an equal basis.” Nevertheless, there is also a difference between the traditional hegemonic party and the hegemonic party in Kazakhstan. It is mainly in the fact that Nur Otan is not the ruling party which has the power, as Isaacs emphasizes¹²⁰, but it is only an aid that serves the President as the holder of the autocratic regime to solidify his authority. The survival of Nur Otan in power depends on Nazarbayev and his control of the country’s administrative resources with which his party wins the elections, and not on the party’s control

¹¹⁵ Langston, J., *Breaking Out Is Hard to Do: Exit, Voice, and Loyalty in Mexico’s One-Party Hegemonic Regime*, Latin American Politics and Society, Vol. 44, No. 3, 2002, p. 64.

¹¹⁶ Sartori, *op. cit.* (fn. 5), p. 208.

¹¹⁷ *Ibid.*

¹¹⁸ *Ibid.*; Constitution of Mexico, https://www.oas.org/juridico/mla/en/mex/en_mex-int-text-const.pdf, August 6th 2016.

¹¹⁹ Interview was given to the author of this article in February 2015 in Astana.

¹²⁰ Isaacs, *op. cit.* (fn. 38), p. 115.

of these resources. In these relations, Nazarbayev is the head of state and all others are below him, including Nur Otan. Therefore, its dependence on the President somewhat resembles the submission and dependence of the Party of Labour of Albania to Enver Hoxha and the Communist Party of Romania to Nicolae Ceaușescu. Although, of course, contemporary Kazakhstan does not correspond to Linz and Stepan's concept of sultanistic regimes¹²¹, due to the existing power relations between the President and Nur Otan we can conclude that the latter is not likely to survive the current authoritarian regime after Nazarbayev's departure from the political scene. Its power as the main political organization in Kazakhstan does not have the characteristics of the kind of sustainability that the PUWP and the IRP had in the hegemonic systems in Poland and Mexico. Therefore, it is not an ideological-hegemonic or pragmatic-hegemonic party, but a new subtype of hegemonic party that has emerged in the post-Soviet space. It may be due to its significant dependence on the President and hegemony within the party system, but not within the political system that designates parties like Nur Otan as a new subtype of hegemonic party – a presidential-hegemonic party.

¹²¹ Linz, Stepan, *op. cit.* (fn. 2).

Sažetak

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**PREDSJEDNIČKO-HEGEMONIJSKA STRANKA I
AUTOKRATSKA STABILNOST: PRAVNI TEMELJ I
POLITIČKA PRAKSA U KAZAHSTANU**

Postsovjetske stranke vlasti dominantne su stranke koje su nastajale u godinama nakon raspada SSSR-a. Stranka vlasti nije tip političke stranke, nego pojam koji označava da ih formira izvršna vlast stvarajući im legalnu i nelegalnu prednost pred ostalim strankama na izborima i u svakodnevnoj alokaciji resursa. U ovom radu pokušava se utvrditi je li kazahstanska stranka vlasti Nur Otan hegemonijska stranka koja se tako može definirati u skladu sa Sartorijevom definicijom tog tipa političke stranke. Odgovor na to pitanje nije važan samo zbog tipološkog etiketiranja te stranke, nego je ponajprije važan zbog toga što pomoću njega možemo dobiti uvid u institucionalne pretpostavke trajnosti postojećega autoritarnog režima u toj zemlji, ali i u ostalim suvremenim autoritarnim sustavima u kojima postoje višestranačje i ograničeni politički pluralizam. Nakon provedene analize ustava i zakona te političke prakse u Kazahstanu od 1991. do 2016. u radu se dolazi do zaključka da Nur Otan jest hegemonijska stranka u skladu sa Sartorijevom definicijom, ali da je to novi podtip hegemonijske stranke koja ostvaruje hegemoniju unutar stranačkog sustava, ali ne i u cijelome političkom sustavu kao klasične hegemonijske stranke 20. stoljeća. Zbog toga ne odgovara nijednome od dva Sartorijeva podtipa – ideološko-hegemonijske i pragmatično-hegemonijske stranke – te je zbog presudne uloge predsjednika države u ostvarivanju njezine hegemonije u stranačkom sustavu nazvana predsjedničko-hegemonijska stranka. Ta stranka pridonosi trenutnačnoj stabilnosti autokratskog režima u Kazahstanu, ali su zbog njezine ograničene hegemonije unutar samo stranačkog sustava, ali ne i političkog sustava u cjelini, institucionalne pretpostavke trajnosti režima nakon odlaska Nursultana Nazarbajeva s čela države nesigurne.

Ključne riječi: predsjedničko-hegemonijska stranka, hegemonijska stranka, autokracija, Kazahstan, Nur Otan

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