



Third, voters had no meaningful choice when it came to Election Day itself. In addition to the party of power, Nur Otan, the four other parties engaged in the election—the People’s Party (known until 2000 as the Communist People’s Party), Ak Zhol, Auyl, and Adal (formerly Birlik)—were pro-presidential, with some even praising the course of the ruling party, Nur Otan, and its leader, former president Nursultan Nazarbayev, in their political platforms. The only officially registered opposition party, the National Social Democratic Party (NSDPK), boycotted this election on the grounds of a lack of improvements in the conduct of campaigning.¹ Thus, the results of the election came as no surprise and did not change the constellation of political parties within the Majilis (Lower House). According to official data, only three parties passed the 7% threshold required for representation: Nur Otan (71%), Ak Zhol (11%), and the People’s Party (9%). According to the CEC, turnout was 63%, though several independent observers have contested this figure.² In the former capital of Almaty, which has always been the incubator of social and political protests in the country, participation was just 30.6%.³

Fourth, on the day of the election, several protest groups—including “Oyan, Kazakhstan!” and the unregistered Democratic Party of Kazakhstan—held protests in the centrally located Republic Square but were forcefully stopped and held captive for several hours in freezing temperatures by police squads.

These issues, as well as others that will be discussed below, make the prospects for political reform in Kazakhstan quite gloomy. This article analyzes the recent parliamentary elections and contemplates the future of democracy in the country. It argues that the new government of Kassym-Jomart Tokayev has so far missed its opportunity to put the country on a path to reform.

Political Reforms since 2019

Since Nursultan Nazarbayev’s resignation in March 2019 from the presidency and the election of Kassym-Jomart Tokayev, Kazakhstan has continued its slide toward authoritarianism. Although Tokayev’s government sought to ease tensions in society by announcing reforms in response to the mass political protests that followed his election in June 2019, the reforms have brought little relief to many democratic forces in the country. Notably, all reforms introduced since Tokayev’s election have taken place in the context of restrictions linked to the COVID-19 pandemic.

One of Tokayev’s reforms concerned the formation of the National Council of Public Trust in July 2019. This institution was intended to support President Tokayev’s idea of a “listening state,” with the Council serving as a bridge between society and government. The composition of the body is supposed to reflect this idea: the 44 members include prominent public figures, political scientists, businessmen, NGO representatives, former civil servants, and journalists. The body is chaired by President Tokayev. According to its charter, the Council meets at least three times a year “to formulate proposals and recommendations on topical issues of public policy on the basis of broad

¹ “OSDP ob’iavila boikot vyboram,” *Radio Azattyk*, November 27, 2020, <https://rus.azattyq.org/a/kazakhstan-party-to-boycott-january-parliamentary-elections/30971975.html>, accessed January 28, 2021.

² Olga Loginova, “Vse piat’ partii dolzhny byli proiti v parlament, svidetel’stviuut protokoly, sobrannye nabliudateliami,” *Vlast’*, January 13, 2021, <https://vlast.kz/novosti/43334-vse-pat-partij-dolzhny-byli-projti-v-parlament-svidetelstvuit-protokoly-sobrannye-nabliudatelami.html>, accessed January 28, 2021; League of Young Voters, “Kak Kazakhstan progolosoval na vyborakh v Majilis 10 ianvaria 2021 goda,” <https://vibory.watch/election/>, accessed January 28, 2021.

³ League of Young Voters, “Kak progolosoval Kazakhstan...”

discussion with representatives of the public, political parties and civil society.”⁵ Its first meeting took place in September 2019.

Even though the idea of the Council is to be welcomed, critics raise several points of concern regarding its implementation. For one, they condemn the Council as a mere attempt by the government to suppress protests in the country. While protests have intensified since Tokayev was elected president, critics charge that this is not the first time that the government has tried to accommodate societal discontent by forming political bodies with the involvement of the public. In 2002, for example, a standing committee was established to develop proposals for further democratization and the development of civil society. In 2004, the National Commission for Democratization (with a meaningful acronym—NKVD, that of the old Soviet political police) was formed to develop proposals for the further democratization of the country with broad public participation. A similar commission was established in 2006 on the initiative of Nursultan Nazarbayev to develop a program for democratic reforms.⁶ A similar advisory body, called the Land Reform Commission, was created after the 2016 rallies against land reform.

All of these bodies were disbanded after a certain period of time. Moreover, according to some observers, the composition of the current Council suggests that it was handpicked: members tend to be former or current representatives of the quasi-state sector and regime loyalists, while many civic activists have been excluded from the council. Some activists, such as Margulan Seissembay, declined invitations to join the Council because they made their membership of the body conditional on the release of political prisoners, which has yet to happen. As a result, many doubt the trustworthiness of the Council.⁷ Last but not least, critics observe that the Council is only a consultatory and advisory body; it has no guaranteed influence on legislation. Indeed, the document governing its operation states that the institution is responsible for “conducting public appraisals of draft concepts, country programs and regulatory acts,” as well as “considering important strategic issues, taking into account the views of the public and civil society,” and “providing constructive dialogue between representatives of the public, political parties, the non-governmental sector and government agencies.”⁸

Another reform concerns the right of assembly, which has caused much turmoil in society in the past. The Assembly Act as amended on March 17, 1995,⁹ stated that public protests had to be authorized by competent authorities. The regulation was considered anachronistic by activists. Following pressure from civil society, this regulation was abolished, only to be immediately replaced by a new regulation that has done little to change the situation: whereas human rights organizations and activists had advocated for a rule that the organizers of a protest must give the authorities ten days’ notice, the new rule states that the organizers must give a 5 days’ notice (Art.

⁵ “V Kazakhstane utverdili sostav Natsional’nogo soveta obchestvennogo doveriia,” *Radio Azattyk*, July 17, 2019, <https://rus.azattyq.org/a/30060531.html>, accessed January 28, 2021.!

⁶ Asylbek Bagdat, “Sovet (ne)doveriia. Shto poshlo ne tak v Sovete Natsionalnogo Doveriia Kazakhstana,” *Cabar.Asia*, July 30, 2019, <https://cabar.asia/ru/sovet-ne-doveriya-chto-poshlo-ne-tak-v-natsionalnom-sovete-obshchestvennogo-doveriya-kazahstana>, accessed January 28, 2021.

⁷ Bagdat, “Sovet (ne)doveriia...”; Asylkhan Mamashuly, “‘Kosmeticheskie izmeniiia’ vs ‘shagi k reformam’. Mneniia o tokaevskom sovete,” *Radio Azattyk*, December 21, 2019, <https://rus.azattyq.org/a/kazakhstan-tokayev-initiatives-and-activists-opinions/30337151.html>.

⁸ Government of Kazakhstan, “Polozheni o natsional’nom sovete obchestvennogo doveriia,” https://www.akorda.kz/ru/legal_acts/decrees/ob-utverzhdenii-polozheniya-i-sostava-natsionalnogo-soveta-obshchestvennogo-doveriya-pri-prezidente-respubliki-kazahstan, accessed January 28, 2021.

⁹ Law of the Republic of Kazakhstan of March 17, 1995 No. 2126 On the Procedure for the Organization and Conduct of Peaceful Assemblies, Rallies, Marches, Pickets and Demonstrations in the Republic of Kazakhstan, http://adilet.zan.kz/rus/docs/U950002126_, accessed January 28, 2021.!

10)^(c) but that the authorities still have the discretion to decide whether or not a protest can be held.

In a third reform, the government amended the current Political Parties Act of 2002 as it relates to state registration of a political party (Art. 10(6)).^(*) The new version lowered the number of party members required for state registration from 40,000 to 20,000. According to some observers, this move was more positive than negative. However, it did not represent a significant liberalization, as the existing proportional representation system, with its party lists, acts like a filter for those in power, preventing independent candidates from contesting elections.⁽¹⁾ Moreover, activists contend, the new law has not even made it easier to register a party: despite the reduced number of party members required, no new political party has been registered since 2019. According to the Ministry of Justice, six of the seven new parties that have requested registration during this period have already had their applications denied; the documents of the seventh party were under consideration at the time the statement was made.^(c) One of these new parties is the Democratic Party, led by the national-patriot activist Zhanbolat Mamay, which tried to register before the elections but has still not been registered.

Disabling Dissent at the Ballot Box

Elections are always a barometer of the public mood, even in an authoritarian regime. They may signal approval, especially if the government policy enjoys significant support among the electorate. Alternatively, elections may express dissatisfaction with the system, whether voters abstain from voting, vote for opposition candidates, or vote to “reject all” candidates. Since there was no real political competition between parties in the run-up to the January 2021 parliamentary elections and the only officially registered opposition party, the National Social Democratic Party (NSDPK), boycotted the elections, leaving the protest electorate without anyone to vote for, one might expect that voters expressed their dissatisfaction either by not showing up at the polling station or by intentionally spoiling their ballots.

At present, it is difficult to find official data on the number of voters who chose these forms of protest. The Central Election Commission does not provide any information—even following the request of the paper’s author—on how many voters did not turn up, how many ballot papers were spoiled, and how many voters did not vote. It only provides information on the number of votes cast and the number of votes that different regions accorded to the participating parties. It is therefore difficult to assess discontent on the basis of official sources.

^(c) Law of the Republic of Kazakhstan of May 25, 2020 No. 333-VI on the Procedure for Organising and Conducting Peaceful Assemblies in the Republic of Kazakhstan, https://online.zakon.kz/document/?doc_id=36271780&doc_id2=36271780#pos=21;-99.80000305175781&pos2=197;-26.800003051757812, accessed January 28, 2021.

^(*) Law of the Republic of Kazakhstan of July 15, 2002 No. 344-II on Political Parties, https://online.zakon.kz/document/?doc_id=1032141&doc_id2=1032141#pos=4;-81.80000305175781&pos2=149;-83.80000305175781, accessed January 28, 2021.

⁽¹⁾ Sergey Marinin, “Parliamentary Elections of 2021 in Kazakhstan: Should We Expect Any Changes?,” *Cabar.Asia*, December 25, 2020, <https://cabar.asia/en/parliamentary-elections-of-2021-in-kazakhstan-should-we-expect-any-changes>, accessed January 28, 2021; “Nazarbaev protiv maioritarnoi sistemy. Pochemu?” *The Village Kazakhstan*, August 21, 2019, <https://www.the-village.kz/village/city/situation/7121-nazarbaev-protiv-mazhoritarnoy-sistemy-vyborov-pochemu>, accessed January 28, 2021.

^(c) “6 iz 7 novykh partii v Kazakhstane otkazano v registratsii,” *Forbes Kazakhstan*, May 6, 2020, https://forbes.kz/process/6_iz_7_novyih_partiy_v_kazakhstane_otkazano_v_registratsii/, accessed January 28, 2021. There are currently seven political parties in Kazakhstan. Three of them were represented in the former parliament - Nur Otan, Ak Zhol. and the People’s Party. The remaining parties are Auyl, Birlik, the National Social Democratic Party, and Azat.!!

The conduct of independent exit polls was also hampered. Of the 7 organizations allowed to participate in the elections as observers, some were not permitted to view the protocols, while several polling stations removed observers before the votes were counted.^(#) According to MISK, the Youth Information Service of Kazakhstan, a non-governmental organization that participated in the elections as an independent observer, overall turnout was 35.10%, far below the official figures.^(§) It further reported that a total of 3.8% of ballots—or over 340,000—were declared invalid (similarly to in Belarus a few months earlier), whether because they were spoiled, overwritten with the names of other candidates, folded or rolled to express voters' displeasure with the electoral process.^(%)

Voters who cast their ballots validly could only send a message of unqualified approval of the political system, as ballots lacked an “against all” option. This option was a relic of the Soviet era^(&) and was used in all elections in Kazakhstan before 2005, when it was removed in advance of the presidential elections.^(^) In 2016, an activist challenged the removal of the “against all” option in the Supreme Court, but to no avail.^(*) Given that there has been no official explanation of the motives for this removal, one might speculate that it was part of an effort to get the “against all” voters to vote for the incumbent Nur Otan party. Another suspicion, harbored particularly by international observers, is that the “against all” option was abolished because the leadership was afraid that this might become a quasi-reflection of protest sentiment in the population and that they would then have had to publish these figures.^(^)

In my opinion, a more plausible explanation is that the regulation was abolished because it was possible that the share of votes “against all” would exceed the share of votes for the political parties that were contesting the elections.^(**) Originally, there was a turnout requirement that might have protected against this possibility: electoral legislation provided that elections could be considered valid only if more than 50 percent of eligible voters participated in them. However, the Constitutional Law of November 6, 1998, stipulated that this provision did not apply to presidential and parliamentary elections. (On May 6, 1999, the same issue was resolved in relation to elections of deputies to maslikhats [regional parliaments] and local self-government bodies.)^(*)

Despite these considerations, maintaining the norm would have had some positive systemic implications for the government. First of all, the “against all” option could have provided important data on the share of voters who were dissatisfied with the political course, making it possible to

^(#) Loginova, “Vse piat' partii...”

^(§) League of Young Voters, “Kak progolosoval Kazakhstan...”

^(%) “Vybory 10 ianvaria: porcha bulletenei kak forma protesta,” Radio Azattyk, January 10, 2021, <https://rus.azattyq.org/a/31040725.html>, accessed January 28, 2021.

^(&) There is only limited literature on this topic, mostly looking at Russia. See Hans Oversloot, Joop van Holsteyn, and Ger P. van der Berg, “Against All: Exploring the Vote ‘Against All’ in the Russian Federation’s Electoral System,” *The Journal of Communist Studies and Transition Politics* 18, no. 4 (2002): 31-50; Ian McAllister and Stephen White, “Voting ‘Against All’ in Postcommunist Russia,” *Europe-Asia Studies* 60, no.1 (2008): 67-87.

^(^) “Golosuui protiv vsekh,” *Izvestiia*, July 14, 2006, <https://iz.ru/news/315435>, accessed January 28, 2021.

^(*) Svetlana Glushkova, “Iurist v Astane zastupilsia za nastroennykh ‘protiv vsekh’ izbiratelei,” Radio Azattyk, April 13, 2016, <https://rus.azattyq.org/a/anton-fabryi-grafa-protiv-vseh-vybory-v-kazakhstane/27672240.html>, accessed January 28, 2021.!

^(**) See the interview with Beate Eschment by Cyrus Salimi-Asl, “Die Repression ist noch gewachsen,” *Neues Deutschland*, January 11, 2021, <https://www.neues-deutschland.de/artikel/1146856.kirgistan-und-kasachstan-die-repression-ist-noch-gewachsen.html>, accessed January 28, 2021.

^(*) See Art. 9, Para. 1 and 2 of the Constitutional Law of the Republic of Kazakhstan of September 28, 1995 No. 2464 on Elections in the Republic of Kazakhstan (as amended and supplemented as of May 25, 2020): Government of Kazakhstan, https://online.zakon.kz/document/?doc_id=1004029&doc_id2=1004029#pos=24;-134&pos2=219;-98, accessed January 28, 2021.

^(*) Eduard Mukhamedzhanov, “Porog iavki izbiratelei—kliuch k politicheskomu Olimpiu,” Exclusive.kz, November 3, 2020, <http://www.exclusive.kz/expertiza/politika/121693/>, accessed January 28, 2021.

identify where the problems are in the current system.^{**} In addition, given that elections to the Majilis are held in parallel with elections to the regional maslikhats, the presence of the “against all” voting option on the ballot paper would show the government—and also the general public—in which regions the government should address popular dissatisfaction.^{*#}

Growing Popular Discontent and Government Countermeasures

One notable development in Kazakhstan since 2019 has been the growth of civic protests. According to the Central Asia Protest Tracker, run by the Oxus Society for Central Asian Affairs,^{*\$} as well as my own data, 235 protests took place in 2019 and 254 protests in 2020. This is a significant increase compared to the number of protests that took place in 2015 (71), 2016 (52), 2017 (36), and 2018 (32), respectively.^{*%}

Most protests took place in Almaty and Astana. However, a significant share of the protests took place in locations as disparate as Aktau, Shymkent, Karaganda, Pavlodar, Zhanaozen, Kyzylorda, and Aktobe, which speaks to the spatial distribution of popular discontent. Looking at the grievances around which protests have formed, almost half in 2019 and one-third in 2020 addressed human rights violations (49% and 30% in 2019 and 2020, respectively), such as the detention of political prisoners like Dulat Agady, the civic activist in Nur-Sultan who died in police detention on February 25, 2020.^{*&} Almost one-quarter of protests in 2019 and over one-third of protests in 2020 were related to welfare provision (21% and 38%, respectively). A significant proportion of such protests in 2020 were linked to government measures to contain the spread of COVID-19. Other issues that have given rise to protests are China, justice, property, and land rights.^{**} It is notable that more than half of the protests have ended in violent repression by the police. According to the authors of the Central Asia Protest Tracker, just over one-quarter of all protests in the region since 2018 have ended in arrests and other use of force by police.^{!)}

Another trend in protests since 2019 is that their participants have become visibly younger. The youth group “Oyan, Kazakhstan!”, which was launched on June 5, 2019, organized at least 7 rallies in 2020 and 18 rallies in 2019, with 20 to 50 participants at each rally. The group does not belong to any political party, does not seek formal state registration, and is horizontal in structure. According to its platform, it advocates political reforms, the rule of law, an end to political repression, reform of the electoral system, freedom of speech, and a parliamentary republic.^{!)}

^{!)} Beate Eschment, „Superwahlsonntag in Zentralasien: kein gutes Omen für die Demokratie,“ *Zois Spotlight* 1/2021, p.3, <https://www.zois-berlin.de/publikationen/zois-spotlight/superwahlsonntag-in-zentralasien-kein-gutes-omen-fuer-die-demokratie/>, accessed January 28, 2021.

^{*#} McAlister and White, “Voting ‘Against All’ in Postcommunist Russia,” 77.

^{*\$} The Oxus Society for Central Asian Affairs, <https://oxussociety.org/>, accessed January 28, 2021.

^{*%} Kamila Kovyazina, “Protestnaya aktivnost’ v Kazakhstane,” *Cabar.asia*, September 20, 2020, <https://cabar.asia/ru/protestnaya-aktivnost-v-kazakhstane>, accessed January 28, 2021.

^{*&} Chris Rickleton, “Kazakhstan: Activist Dies in Detention, Piling Pressure on the Authorities,” *EurasiaNet*, February 26, 2020, <https://eurasianet.org/kazakhstan-activist-dies-in-detention-piling-pressure-on-the-authorities>, accessed January 28, 2021.

^{**} Bradley Jardine, Sher Kashimov, Edward Lemon, and Aruuke Uran Kyzy, “Mapping Patterns of Dissent in Eurasia: Introducing the Central Asia Protest Tracker,” pp.3-6, <https://oxussociety.org/mapping-patterns-of-dissent-in-eurasia-introducing-the-central-asia-protest-tracker/>, accessed January 28, 2021.

^{!)} Jardine et al., “Mapping Patterns of Dissent,” p. 4.

^{!)} Petr Trotsenko, “Asem Zhapisheva: ‘Nazarbaev ushel, no vse, chto on postroil, ostalos’,” *Radio Azattyk*, June 5, 2020, <https://rus.azattyq.org/a/kazakhstan-oyan-qazaqstan-assem-zhapisheva-interview/30651844.html>, accessed January 28, 2021.

The fact that more and more young people are taking part in protests will not be without consequences for protest dynamics in the future, as young people—i.e., those under the age of 30—now comprise half of the country’s 18 million people.^{!*} These young people, unlike their parents and grandparents, have no direct memories of the Soviet Union and are thus not a product of the Soviet past. Some of them speak at least one European language in addition to their native Kazakh and Russian. Unlike their parents, almost all young people are familiar with the internet and social media such as Instagram, Facebook and Twitter, allowing them to access information from various sources, including Western mass media. Moreover, many middle-class and elite young Kazakhs have traveled abroad and well understand the difference between these countries’ systems and their own. According to UNESCO, by the end of 2017, a total of 89,505 young people from Kazakhstan had studied abroad.^{!!} Since most of these young people have decided to return home rather than stay abroad, they may want to change conditions at home.

All this means that the government will have a hard time if it does nothing more than use violence against these youths. However, this seems to have been the prevailing strategy so far. According to reports by human rights activists, more than 360 protesters were arrested in a number of cities on Election Day alone.^{!#} Most notable were the protests in the city of Almaty, where the youth group “Oyan, Kazakhstan!” and the unregistered Democratic Party of Kazakhstan organized a protest rally in the centrally located Republic Square. However, the protesters were brought to a halt by police action. The police used the so-called “kettling” tactic, holding protesters inside a ring for nearly 9 hours in freezing temperatures and refusing to let them out.^{!#} Outsiders were prevented from entering the ring or handing over any food. Some had to urinate inside the ring. As a result, many protesters suffered from weakness or froze; two protesters from “Oyan, Kazakhstan!” and three from the Democratic Party of Kazakhstan were hospitalized.

“Kettling” is a novel tactic used by the Kazakh police to deal with protests and marks a significant change from earlier police tactics, where police used to brutally crush protesters and bystanders. Many human rights organizations, including the OSCE, have challenged this new approach as violating protesters’ fundamental human rights.^{!\$} It remains to be seen how Tokayev’s new government will respond to this complaint.

Conclusion

The increase in protests in society since 2019, including on the day of the parliamentary elections, demonstrates that Kazakhstani society yearns for change, as indigenous scholars have been observing for some time. In addition to the demographic, urban, and cultural changes that Alima Bissenova has documented,^{!%} I would add that a larger segment of the society has a growing desire

^{!*} Marlene Laruelle, *The Nazarbayev Generation: Youth in Kazakhstan* (Lanham, MD: Lexington Books, 2019), 2.!

^{!!} Alima Bissenova, “Social Change Unsettles Kazakhstan,” *Current History* 118 (810) (2019): 271-275, 274.

^{!#} Annette Bohr, “Elections in Kazakhstan Yield Results as Predicted,” Chatham House, January 20, 2021, <https://www.chathamhouse.org/2021/01/elections-kazakhstan-yield-results-predicted>, accessed January 28, 2021.

^{!#} Darkhan Umirbek, “‘Eto pytki’. Politseiskaia taktika ‘kettling’: gde mrimeniaetsya i kak tarktuetsia,” *Radio Azattyk*, January 18, 2021, <https://rus.azattyq.org/a/kazakhstan-kettling-illegality/31049871.html>, accessed January 28, 2021. The tactic was first used during the peaceful protests that took place in several cities organized jointly by the prohibited party Democratic Choice of Kazakhstan, run by the fugitive exile-banker Mukhtar Ablyazov, and the Democratic Party of Kazakhstan on June 6, 2020, to demand credit amnesty, the release of political prisoners, and a ban on the sale of land to foreigners. It was used for the second time during peaceful protests on December 16, 2020.

^{!\$} Umirbek, “‘Eto pytki.’”

^{!%} Bissenova, “Social Change Unsettles Kazakhstan.”!!

for freedom and is dissatisfied with the status quo. The growing protests of the last two years have shown that despite police harassment, a culture of protest is slowly taking hold in society.

Following Sidney Tarrow, we might suggest that the numerous meetings, marches, and demonstrations are a sign that a social protest movement is in the making.^{1&} The new Kazakhstani government will have to come to terms with this. The urban youth, a growing social group that is cosmopolitan, polyglot and social media-savvy, are demanding more involvement in everyday decision-making. The question is whether the Tokayev government can balance between maintaining power and opening up the political system. The recent parliamentary elections have shown that the government will do anything to disable public discontent. Against this background, the direction that popular discontent will take in the future is an open question.

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^{1&} Sidney G. Tarrow, *Power in Movement: Social Movements and Contentious Politics* (Cambridge: Cambridge University Press, 2011), 6.!