

# PARLIAMENTARY ELECTIONS IN KAZAKHSTAN

## CONTROVERSIAL OUTCOME, UNCONTROVERSIAL PRESIDENT

*Amos Helms*

The Kazakh parliamentary elections of 15 and 16 January 2012 resulted in a clear victory for the ruling Nur Otan party headed by Nursultan Nazarbayev, the country's President. Whereas OSCE observers adjudged these elections to be undemocratic due to lack of transparency, election observers from the CIS described them as being open and transparent. But regardless of any assessment of these elections, the results will not have any impact on the forming of a new government or the future work of that government. In reality, there will be no opposition in the Kazakh parliament (the Majilis) in the immediate future, so it is unrealistic to expect any drive towards more democracy or rule of law, and indeed such measures would receive little public support. The majority of the population see President Nazarbayev as their guarantee of domestic security, something which is generally considered to be under threat. However, economic and energy cooperation deals, such as those agreed recently between German Chancellor Angela Merkel and President Nazarbayev in Berlin, could lead to the opening up of this authoritarian-ruled country that is so rich in raw materials.

### THE KAZAKH PRESIDENTIAL REPUBLIC

According to the current constitution, dating from 1995, Kazakhstan is a presidential republic. Power is concentrated in the hands of the President, while the parliament has a subordinate status. But this has not always been the case: the constitution of 1993 still defined Kazakhstan as



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a parliamentary democracy.<sup>1</sup> At that time, the people not only elected a President, but also a Vice-President who held full powers of representation. This position was abolished in the 1995 constitution. Today, only in the event of a sudden death of the President power passes to the President of the Senate. While the Prime Minister is officially head of the government and can recommend people to become members of his cabinet, he does not have the authority to choose the ministers who work for him.<sup>2</sup> As such, he has no real political clout and is often seen as little more than a puppet of the President.

Since the new constitution was passed into law, any further democratisation of parliament has ground to a halt, and indeed the trend has reversed, with the emergence of an authoritarian system of government. The Majilis, the only democratic body directly elected by the people, votes on draft legislation, but this legislation still has to be approved by the Senate and signed by the President. Only a little over two-thirds of the members of the Senate are actually democratically elected by the people. These 32 senators come from the Maslikhats, the equivalent of German state parliaments. The remaining 15 senators are nominated by the President himself, so it is no great surprise that there have been no significant disputes between the two chambers of parliament and the President. When Nazarbayev rejected a draft bill from parliament that would have guaranteed him the presidency until 2020 by calling a referendum to make an amendment to the constitution, critics saw this as little more than an elaborate ploy on his part to use representatives of parliament to express his own wishes in order to test the reaction of the public.

1 | Cf. <http://bti2003.bertelsmann-transformation-index.de/155.0.html> (accessed 20 Mar 2012).

2 | Cf. "Die Regierung Kasachstans und Ministerium Kasachstan", eu-asien.de, <http://www.eu-asien.de/Kasachstan-Informationen/Uebersicht-Kasachstan/regierung-und-ministerien-Kasachstan.html> (accessed 19 Apr 2012).

## EARLY ELECTIONS AT A TIME OF TENSION

When almost half of the members of the Majilis asked the President to dissolve parliament at the beginning of November 2011, we can assume that this also didn't happen without Nasarbajev's express approval. On 15 November 2011 the President agreed to the members' request and dissolved parliament. The members claimed that the reasons behind their request for dissolution were the economic challenges that they expected the country to face in 2012.<sup>3</sup> However, it likely had much more to do with the generally tense situation in the country than with the state of the economy. Between June and November 2011 there had been a total of five bombings across several Kazakh cities. In addition, there had also been persistent strikes and demonstrations in West Kazakhstan since June, which were violently brought to an end by security forces in mid-December. The demonstrations escalated on 16 December in Zhanaozen, a town not far from the Caspian Sea, which is inhabited mostly by workers from the gas production industry. According to official figures, 17 people died and over 100 were injured.

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The government's crisis management of this situation attracted much criticism, not only from the people, but also from some of Nazarbayev's own supporters. The euphemistic reports in the official news were contradicted by videos on YouTube. Numerous videos taken on mobile phones showed security forces indiscriminately beating or even shooting demonstrators. It was not until several days later that the President actually visited the crisis-hit region. In a clear publicity stunt, he dismissed his own son-in-law, Timur Kulibayev, the chairman of Samruk, an umbrella organisation for companies from all sectors that also represented the strikebound oil companies.<sup>4</sup> He then announced the establishment of an investigative committee with UN participation and promised to punish those responsible.

3 | Cf. "Депутаты мажилиса обратились к президенту с просьбой о роспуске палаты" (Majilis delegates appealed to the president requesting the dissolution of the chamber), *Novosti Kazakhstan*, 10.11.2011, <http://newskaz.ru/politics/20111110/2108221.html> (accessed 20 Apr 2012).

4 | Cf. <http://sk.kz/?lang=en> (accessed 20 Apr 2012).

## ELECTIONS AND RESULTS

In the middle of the election campaign, President Nazarbayev amended the media law, with negative consequences for the country's already very limited independent reporting. The "Law on TV and Radio Broadcasting" passed by the Senate on 28 December 2011, which also covered newspapers and magazines, provoked international criticism.<sup>5</sup> The fear was that more severe penalties for breaking the law would lead to increased self-censorship by journalists. All radio stations also had to re-register. Journalists now feel that they are being muzzled even more than before.<sup>6</sup> They have to face the risk that if they talk about politics they will be targeted by the state security services.

Recently, the opposition newspaper *Vzglyad* was raided and the editor-in-chief, Igor Vinyavskiy, was arrested. The charge was that the paper's reporting on the events in Zhanaozen had contributed to social unrest. Vladimir Kozlov, leader of the outlawed Alga party, and opposition activist Serik Sapargali were also arrested in connection with the demonstrations.<sup>7</sup> All those arrested were accused of being responsible for the unrest in West Kazakhstan, of endangering social harmony and of calling constitutional order into question.

On Election Day, the Kazakh voters could choose between seven of an original eight permitted parties. Shortly before the election, the Rukhaniyat party was excluded. They claim to be interested in addressing Kazakhstan's environmental problems and, as such, are often described as "Kazakhstan's greens". The reason for their exclusion was given as errors in their registration papers: the names of candidates and their functions within the party apparently failed to tally.

5 | Cf. Statement of the OSCE Representative on Freedom of the Media (RFoM), who calls on the President to veto the law, <http://osce.org/fom/86713> (accessed 19 Apr 2012).

6 | Cf. interview with the Head of the Kazakhstan Media Alliance, Adil Jalilov, *Zakon.kz*, 30 Jan 2012, <http://internews.kz/newsitem/30-01-2012/17461> (accessed 11 Mar 2012).

7 | Cf. "Freedom House Condemns Arrest of Kazakh Activists and Journalist", Freedom House, <http://freedomhouse.org/article/freedom-house-condemns-arrest-kazakh-activists-and-journalist> (accessed 10 Feb 2012).

Table 1

### Parties standing for election in the Kazakh parliamentary elections of 2012

Party	Brief description
Nur Otan	The President's party, which boasts a comprehensive network and the most members. The party base is made up predominantly of civil servants, public sector employees, students and clergy. In its current form, the party is the result of a merger between the Otan party, which until 2007 was made up of functionaries close to the President, and the Asar party, which is led by the President's daughter, Nariba Nazarbayeva, and is considered the party of intellectuals and the media. The alliance also includes the Agrarian Party of Kazakhstan and the Civic Party of Kazakhstan.
Ak Zhol	According to its own statements the Democratic Party of Kazakhstan Ak Zhol (Kazakh: "Bright Path"), founded in 2002, stands for democracy, independence, freedom and justice. In recent times, they have not played a significant role politically and it is not expected that they will do so any time soon, as their new party leader Azat Peruashev was himself a member of Nur Otan until recently. In the early years in particular, Ak Zhol was a gathering place for Nazarbayev's critics.
PPK	The Party of Patriots of Kazakhstan (PPK), led by Senator Gani Kassimov. Although it was founded as long ago as 2000, the PPK has not been able to win public recognition. They achieved poor results in previous elections, with 0.55 per cent in 2004 and 0.78 per cent in 2007. Their main aims, according to the party, are the "national re-birth of Kazakhstan", the building of a democratic state, including a market economy, the active participation of the people in policy-making and improvements to living standards and healthcare.
Aul	The main areas of interest for the Social Democratic Party Aul ("Village"), founded in 2002, are the development of the agricultural sector and the democratic development of Kazakh society.
NSDP-Azat	The Nationwide Social Democratic Party Azat (NSDP-Azat, "Freedom") was formed in 2009 from a merger of the Nationwide Social Democratic Party and the democratic party Azat.
Adilet	The Democratic Party Adilet ("Justice"), founded in 2004, claims its stands for the democratic and economic development of Kazakhstan. It is considered to be a pro-Nazarbayev party, but without any significant political influence.
CPPK	The Communist People's Party of Kazakhstan (CPPK) has been in existence since 2004 and is one of the parties that support the President. The political scientist, Dossim Satpaev, describes them as a "clone party" of Nur Otan. <sup>8</sup> Neither do they represent an opposition party in the true sense of the word.

8 | Cf. Miras Nurmukhanbetov, "Досым Сатпаев: 'Это последние выборы для президента'" (Dossim Satpaev: This is the last election for the President), *Guljan.org*, 17 Jan 2012, <http://guljan.org/ru/news/komments/2012/January/1223> (accessed 20 Apr 2012).

The election campaign was dominated by Nur Otan in particular. The President's party was omnipresent on posters, banners and information stands and their advertising gave the impression that they were the only party that represented the whole of Kazakhstan. As the Kazakh state does not support the parties' election campaigns, the amount that each party was able to spend depended on their own funds.

The average official election turnout was 75.07 per cent across all the regions, with only the two major cities of Almaty and Astana proving to be an exception. The reasons for the lower turnout here are varied, including being a clear sign of protest against the election process per se and a lack

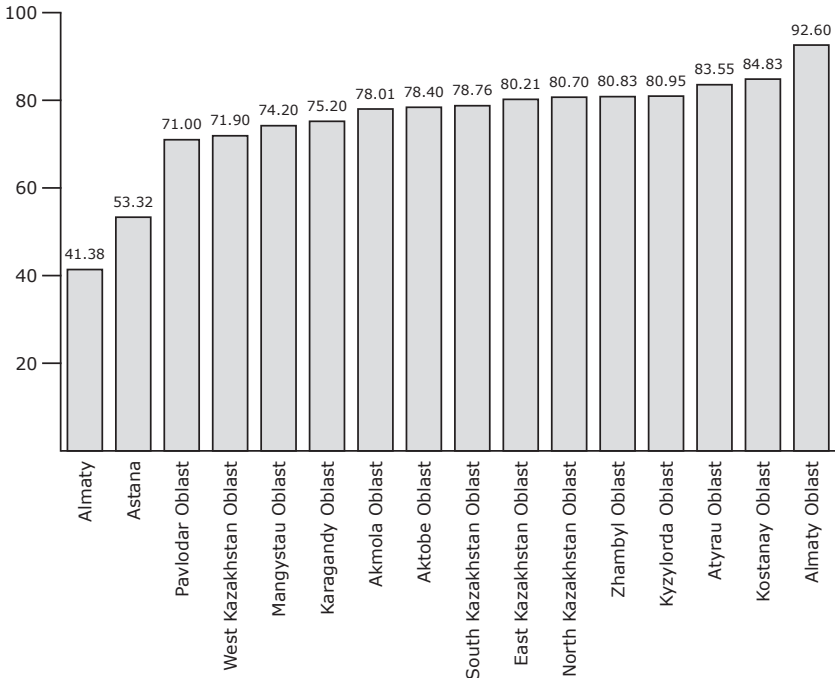
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of interest in the elections brought about by a sense of prosperity. To what extent the unrest in West Kazakhstan and a bloody end to the strike in the crisis-hit Zhanaozen region had an influence on the elections is not entirely clear. Despite the state of emergency, the elections went ahead as planned. In the run-up to the elections it was predicted that the unrest would lead to a higher election turnout, as people feel more inclined to be politically active at times of tension and want to take responsibility by making sure they vote.

The election results were in line with expectations: Nur Otan won the majority of the votes with 80.99 per cent. Ak Zhol and the CPPK achieved the 7 per cent minimum and so were able to enter parliament, followed by the NSDP with 1.69 per cent and the Aul party with 1.19 per cent of the vote. The Adilet party with 0.83 per cent and the Party of Patriots of Kazakhstan with 0.66 per cent brought up the rear.

Fig. 1

**Election turnout in the Kazakh parliamentary elections 2012 (in per cent)**



Source: The Central election commission of the Republic of Kazakhstan, [http://election.kz/portal/page?\\_pageid=73,1697015&\\_dad=portal&\\_schema=PORTAL](http://election.kz/portal/page?_pageid=73,1697015&_dad=portal&_schema=PORTAL) (accessed 20 Apr 2012).

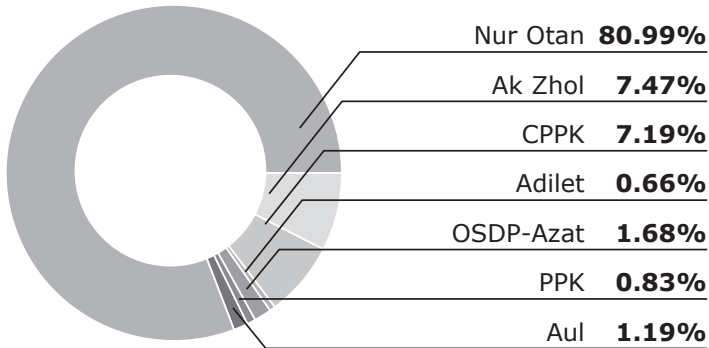
Some representatives of the defeated parties called for demonstrations and strikes in protest of the results. The leader of the NSDP-Azat, Zharmakhan Tuyakbay, was fined for organising two strikes in Almaty, while his colleagues Bulat Abilov and Amirshan were given 18 and 15 days “community service” respectively. According to the organisers, over 200 people took part in the first strike, and over 1,500 in the second. These strikers called the election results into question and accused the state of electoral fraud. Critics believe that the Azat party could have expected to win around 15 per cent of the vote in a fair election and so would have easily achieved the minimum 7 per cent level.

Before the elections, predictions as to how many other parties would actually be represented in parliament alongside Nur Otan varied between two and three – prior to this,

only nine members of parliament were not officially members of Nur Otan. Whatever happens, the new parliament is never going to conform to the Western ideas of the ruling and opposition parties. It simply has to give the impression that it is a democratic multi-party parliament.

Fig. 2

### Results of the Kazakh parliamentary elections 2012



Source: The Central election commission of the Republic of Kazakhstan, [http://election.kz/portal/page?\\_pageid=153,1697146&\\_dad=portal&\\_schema=PORTAL](http://election.kz/portal/page?_pageid=153,1697146&_dad=portal&_schema=PORTAL) (accessed 20 Apr 2012).

The 2012 election results were not very different from those of 2007. The loss of votes and seats by the two newly-elected parties, Ak Zhol and CPPK, would not have had much impact on the decision-making process in parliament, even if there had been a genuine opposition. Of the 98 seats available, Nur Otan won 83, Ak Zhol eight and the CPPK seven.

What was of interest to the public, however, was the fact that the President's eldest daughter, Dariga Nazarbayeva, became a member of parliament for Nur Otan and so has returned to the political stage for the first time in years. Nazarbayeva had been the leader of the republican Asar party from its foundation until 2007, when it merged with the ruling party as part of the latest series of party reforms. The reason for her withdrawal from public life and resignation of her position in the Politburo was the scandal surrounding her husband, Rakhmat Aliyev, who she has since divorced. Aliyev was convicted in Kazakhstan of the kidnapping and murder of two bank managers. He was



also accused of planning a coup and being the founder of a mafia-type organisation. Following a presidential decree that stripped him of all his official positions, he moved to Austria. Why Nazarbayeva should suddenly decide to return to politics after so many years is not clear. One suggestion is that the President wants her support during the coming legislative period; another is that she may be hoping to become her father's successor.

International election observers came to very different conclusions when it came to the way the elections were run. Election observers from the CIS countries and the Shanghai Cooperation Organisation (SCO) stated that the elections had been run in a positive, open and democratic way.<sup>9</sup> The observer commission from the OSCE, on the other hand, felt that the elections had taken place "in a tightly-controlled environment" and with "serious restrictions on citizens' electoral rights".<sup>10</sup> The OSCE criticised the make-up of the electoral commission, which mostly consisted of Nur Otan members, and the fact that the date chosen for the elections was too close to the celebrations for the 20<sup>th</sup> anniversary of Kazakhstan's independence, which had given the President and his party a significant advantage in terms of publicity. All the pictures and information relating to the events surrounding the anniversary, which showed all the successes of the previous 20 years, had an influence on the way the electorate voted, according to the OSCE.

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9 | Cf. "ОБСЕ: выборы в Казахстане далеки от демократии" (OSCE: Elections in Kazakhstan are far away from democracy), *BBC*, 16 Jan 2012, [http://bbc.co.uk/russian/international/2012/01/120116\\_kazakhstan\\_elections\\_osce.shtml](http://bbc.co.uk/russian/international/2012/01/120116_kazakhstan_elections_osce.shtml) (accessed 20 Apr 2012); Olga Kovalenko, "Наблюдатели ШОС признали выборы в Казахстане свободными и открытыми" (SCO observers recognized elections in Kazakhstan as free and open), *RIA Novosti*, 16 Jan 2012, <http://www.ria.ru/politics/20120116/540611346.html> (accessed 20 Apr 2012).

10 | OSZE, "Kazakhstan's parliamentary vote, though well administered, did not meet key democratic principles", <http://osce.org/odihr/elections/86984> (accessed 19 Apr 2012).

## **PRESIDENT NAZARBAYEV AND THE QUESTION OF HIS SUCCESSION**

One of the official reasons given for the request to have parliament dissolved was the fact that Kazakhstan would have to face significant economic challenges in 2012. Such a claim is difficult to accept, given that most believed the economic crisis had been over for at least a year at that point, and that the country's economic figures have steadily improved since then.<sup>11</sup> A more important question is just how much of this legislative period needs to be devoted to the issue of the President's succession. After all, Nazarbayev will be 72 this year.

**The early elections to the Majilis, which have now been completed, can be seen as another step in Nazarbayev's plan to consolidate his political power for the coming years.**

In 2010 and 2011, Nazarbayev sought to lay the foundation for his own future. It was originally intended that a decision would be made by referendum to extend his time in office by a further nine years. He planned to "forego" the two presidential elections that were due to take place before 2020. As a direct result of national and international protests, Nazarbayev opted instead to bring the presidential elections forward to April 2011, which turned out to be to his advantage. The early elections to the Majilis, which have now been completed, can be seen as another step in Nazarbayev's plan to consolidate his political power for the coming years.

Nazarbayev's hold on power appears to require more and more safeguarding as he ages. With the help of those close to him, such as his daughter Dariga, and by other means, he is attempting to establish a mechanism of succession that will give him an open-ended right of co-determination guaranteed by law and by installing people he can trust. He faces an even greater challenge in attempting to defuse the elaborate balance of power he has created with various interests groups,<sup>12</sup> so that the country will not fall into chaos

11 | Cf. World Bank, *Data: Kazakhstan*, <http://data.worldbank.org/country/kazakhstan> (accessed 15 Feb 2012).

12 | These include financial policy groups, such as that headed by the President's second son-in-law, Timur Kulibayev, which also includes the Prime Minister, Karim Massimov. Another very influential group, which is not part of the family circle, is that of Aslan Mussin, the current Head of the President's Administration.

or civil war in the event of his sudden absence. When it comes to deciding the issue of the presidential succession, parliament will only play a secondary role. In its current set-up, it officially represents plurality and a multi-party system, but in reality the elected individuals and parties do not constitute any kind of opposition.

In the 20 years since independence, Kazakhstan has developed a political system that has given many powers to the President and significantly reduced the power of the clans.

**Initial signs of a power struggle over Nazarbayev's succession have been suppressed with the "On the leader of the nation" law.**

There have been some initial signs of a power struggle over Nazarbayev's succession in recent years, but these have been suppressed by the President, at least for the time being, with his "On the leader of the nation" law. This law, which was passed in 2010, gives the President the power of veto over all political decisions, even after he has left office. It also guarantees amnesties to him and his family and protection of all family property and possessions.

However, this guarantee of personal protection does not resolve the issue of his succession. In this respect, there are no real answers at this stage as to what the political system will look like once Nursultan Nazarbayev has gone. This issue not only affects Kazakhs themselves, but also the many foreign firms there and Astana's foreign relations. Under its current leadership, Kazakhstan is the only country in central Asia that has been able to show positive economic and social progress since its independence. The greatest concern for both the Kazakh elite and the Kazakh people is the kind of chaos experienced in Kyrgyzstan<sup>13</sup> or in those countries affected by the Arab Spring. Maintaining stability in the country is made more difficult by the fact that the political institutions currently in place may well have been established formally, but they are not able to act independently. A parliament with different parties in it does not automatically amount to an independent legislature in the sense of a representative body of the people that can adequately represent the interests of the people vis-a-vis the government.

13 | Cf. "Chaos in Kirgisistan. Opposition verkündet Sturz der Regierung", *Welt Online*, 7 Apr 2010, <http://welt.de/politik/ausland/article7088822> (accessed 19 Apr 2012).

These official, democratic institutions continue to be dominated by unofficial interest groups whose interests are focused on the influence of the head of state, access to the distribution of financial and administrative resources, and the possibility of being involved in the process of deciding the succession of power.<sup>14</sup> So long as none of these interest groups can provide their own charismatic candidate to challenge the President, his power and popularity will continue to be assured.

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But it will also be difficult for the President himself to find a suitable successor, especially if he also wants to hold on to the powers that have been vested in him. To ensure

stability in the country, it is important for the legislature and the judiciary to gain more autonomy and independence, so that the people will develop more trust in institutions such as parliament and the courts. However, none of Nazarbayev's critics have so far been able to come up with viable, long-term alternatives. In this respect, the opposition's oft-repeated complaint that, once again, they had not been given enough time to prepare for the elections, comes across as somewhat trite. So far, none of the opposition parties has been able to put forward a convincing enough manifesto to win over a significant number of the electorate.

Added to this is the problem of the parties' self-image. Many politicians see them as little more than a springboard for personal interests. As a result, political power struggles tend to be less about issues than about safeguarding their own interests. By this, the withdrawal of the Kazakh "Greens", the Rhukaniyat party can be accounted for. There was a scandal within the party over an alleged outstanding payment of one million U.S. dollars from party leader Serikzhan Mambetalin to the former leader and honorary President of the party, Altynshash Dzhaganova. The latter lodged a complaint with the Prosecutor General's office, accusing the party leadership of having contravened electoral law. The investigation of the complaints by the Prosecutor General's office and the subsequent outcome

14 | Cf. Dosym Satpajew and Tolganay Umbetalijewa, "Die Dynamik von Machterhalt und -nachfolge – Die politische Elite in Kasachstan und Perspektiven für den Machtwechsel", *Zentralasien-Analysen*, No. 39, 25 Mar 2011.

prompted the Electoral Commission to exclude the party from the elections.<sup>15</sup>

## CHALLENGES FOR THE NEW PARLIAMENT

In addition to seeking to strengthen democratic institutions, the challenges for the new parliament include growing Islamisation and the influence of radical Muslim and Wahabi groups within certain sectors of the community. There may well be repeats of the terror attacks experienced during the previous year. Security measures in public buildings and shopping centres have been visibly tightened as a result. But it is not enough to simply treat the symptoms. The Kazakh government will have to decide just how they are going to address this issue and what actions they will take. The bomb attacks serve to demonstrate just how much an increasingly fragmented society can be threatened by extremist tendencies.

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The same can also be said of growing nationalist tendencies, which are opposed to international treaties and agreements and want to see more Kazakhisation of the country. Nationalists see the economic treaties signed with China and Russia as selling-out their country<sup>16</sup>. While these particular objections do not yet carry much weight, they serve to cast increasing doubt on the parity between the various tribes and interest groups that has been created by President Nazarbayev.

If the President should suddenly decide to leave office sooner than expected, this would justifiably arouse concerns about the country's stability and security. It would be an ideal opportunity for exiled politicians to return to Kazakhstan. But it would also be the time when the country's elite would look to protect their own interests against those of their opponents. None of these groups or people are known to have any interest in maintaining the status quo: the unity of Kazakhstan. Suddenly, the potential disintegration of the country and a state of civil war looms

15 | At another party conference on 7 Jan 2012 Dzaganova was re-elected leader and her successor was expelled from the party.

16 | Cf. G. R. Dadabayeva, "Kazakh Nationalism in Eurasian Context", [http://rusnauka.com/9\\_KPSN\\_2011/Politologia/3\\_83990.doc.htm](http://rusnauka.com/9_KPSN_2011/Politologia/3_83990.doc.htm) (accessed 19 Apr 2012).

large in people's imaginations. It is precisely these types of scenarios that frighten the Kazakh people and bind them to their authoritarian President. The election results have shown that, in spite of all the criticisms levelled at him, at the moment there is no viable alternative.

This is not to ignore those civil society groups in the country that have made the best of their limited opportunities to try to promote more social cooperation in society and who have been prepared to criticise current policies. In addition to public demonstrations (such as those that took place in Almaty recently), this criticism tends to be expressed in internet forums and blogs, which offer the best platform for expressing opinions in such a large country by overcoming the great distances involved. It is likely that these civil society players will not only continue to act as commentators on future policy, especially in a post-Nazarbayev era, but they themselves will also be in a position to contribute to policy-making.

### **GERMAN-KAZAKH RELATIONS**

Germany has intensified its contacts with Kazakhstan over recent years. Economic interests have been the key driver, especially safeguarding the supply of raw materials such as rare earth elements, those metals needed for the manufacture of high-tech products like computer processors. The economic agreements signed by President Nazarbayev during his visit to Berlin on 8 February 2012 amounted to around four billion euros.

For Germany, however, it is not about reducing its dependence on China for raw materials. The Central Asia Strategy<sup>17</sup> makes it clear that the German government sees it as a question of developing value-oriented economic cooperation. For example, reference is made to the kind of social responsibility that companies have towards their employees in the social market economy model. In addition to the obvious economic advantages, this cooperation offers Germany the opportunity to be actively involved in helping Kazakhstan to develop along German lines, and in so doing

17 | Cf. Federal Foreign Office, "The EU Strategy for Central Asia", 6 Jul 2011, <http://auswaertiges-amt.de/EN/Europa/Aussenpolitik/Regionalabkommen/Zentralasien> (accessed 19 Apr 2012).

to forge stronger ties, not only to Germany itself, but to Europe in general. These closer ties to Europe could be a key factor in helping to guarantee further democratisation in Kazakhstan, as there are currently no democratic role models amongst the country's direct neighbours.