

Smart Authoritarianism: Nazarbayev's resignation as a move to consolidate Kazakhstan's 2017 constitutional reform

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Abstract: Un autoritarismo *smart*: le dimissioni di Nazarbayev, un passo per consolidare la riforma costituzionale del Kazakhstan del 2017 – The article focuses on 2017 constitutional reform in Kazakhstan within the context of 2019 resignation of the first and only Kazakh President, Nursultan Nazarbayev. The aim is to show that Nazarbayev's decision to resign represents a move of a smart authoritarianism to consolidate a power structure formally introduced in 2017. It is claimed, in particular, that the 2017 reform is at the heart of a new model of authoritarian succession, launched in Kazakhstan to ensure a controlled and peaceful power transition. If successful, Nazarbayev's succession plan could become a model for other post-Soviet countries, such as Putin's Russia.

Keywords: Non-democratic regimes; New model of authoritarian succession; Democratization; Kazakhstan; Central Asia.

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1. Introduction*

On 19 March 2019, during a broadcasted address to the nation, Kazakh President, Nursultan Nazarbayev, unexpectedly announced his decision to resign with immediate effect.¹ As required by the 1995 Constitution, he also stated that Kassym-Jomart Tokayev, the chairman of the Senate, would take over presidential duties as of March 20 and until the scheduled presidential election in 2020. Nazarbayev did not provide for any specific reason for his resignation, claiming only that his decision was “not easy”, but that it would facilitate the rise of a new generation of leaders who will continue the reforms that are under way in the country.²

President Nazarbayev has ruled Kazakhstan with authoritarian grip for nearly thirty years. He was already First Secretary of the Kazakh Republic in 1989, when the country was still part of the Soviet Union, and became the first president of an independent Kazakhstan in 1991 following the demise of the Soviet state. Since then, he has won all successive presidential elections with

* The research for the preparation of this article has been carried out at the Center for Constitutional Studies and Democratic Development (CCSDD). I thank the George Lawrence Abernethy Endowment.

¹ See *Address by the President of the Republic of Kazakhstan Mr. Nursultan Nazarbayev to the People of Kazakhstan*, 19 March 2019. Available at: www.youtube.com/watch?v=PAvm7AWe7Jg (last accessed: 30 March 2019).

² Idem.

Soviet-style turnouts.³ Thus, Nazarabeyev's decision to resign has been hailed by many as shocking and surprising. It is, in fact, in contradiction to a common practice of other Central Asian authoritarian rulers who have preferred the option of "dying on the throne".⁴ For this reason, several political analysts expected that Nazarbayev will seek an another term in 2020.

Yet Nazarabyev's resignation could have caught many by surprise but it also came after several events which have affected the country in the past two years. First, Kazakhstan approved a new constitutional reform in March 2017. It was aimed (at least on the paper) at seriously redistributing powers between branches of government and democratizing the political system as a whole.⁵ Second, the Acting President Tokayev (then chairman of the Senate) stated in June 2018 that he did not think that Nazarbayev will participate in the 2020 presidential elections.⁶ Third, Nazarbayev dissolved its own government in February 2019 for failing to raise incomes and improve people's living standards, and subsequently appointed a new prime minister.⁷ Then, he appealed to the constitutional council for interpretation of Section 3 of Article 42 of the Constitution, laying out a path for his early resignation. He explained at the same time that it was "an absolutely routine issue of the state." Finally, Nazarbayev's resignation arrived a month after the constitutional council adopted a resolution, which confirmed that the president has the right to resign in accordance with his own will.⁸ All of these events showed that Nazarbayev's resignation has been carefully prepared for long; moreover, he played according to constitutional rules.

³ For example, following the last 2015 presidential elections official results reported that Nazarbayev received 97.7 percent of the vote with turnout of 95.2 percent. Nazarbayev even apologized for winning re-election with such percent of the vote, arguing that it would have "looked undemocratic" for him to intervene to make his victory more modest. See Freedom House, *Kazakhstan Country Report, Nation in Transit 2016*. Available at: freedomhouse.org/report/nations-transit/2016/kazakhstan (last accessed: 28 March 2019).

⁴ With the only exception of Kyrgyzstan – in which the 2005 Tulip revolution marked the end of Askar Akayev's rule, in Turkmenistan and Uzbekistan the power transfer occurred only after the sudden death of Saparmurat Niyazov in 2006 and Islom Karimov in 2016 respectively. Emomali Rahmon is ruling Tajikistan since independence, and is showing the preference for "president for life" path: the 2003 constitutional changes allowed him to be elected for another 14 years, whilst in 2016 new constitutional changes allowed him to rule indefinitely. See Freedom House, *Tajikistan Country Report, Nation in Transit 2017*. Available at: freedomhouse.org/report/freedom-world/2017/tajikistan (last accessed: 3 March 2019).

⁵ See C. Pistan, *2017 Constitutional Reform in Kazakhstan: increasing democracy without political pluralism?*, in *Constitutionnet.org*. Available at: constitutionnet.org/news/2017-constitutional-reform-kazakhstan-increasing-democracy-without-political-pluralism (last accessed: 30 March 2019).

⁶ *Tokayev: I doubt Kazakh president will run again*, BBC Interview, 20 June 2018. Available at: www.bbc.com/news/av/world-asia-44546885/tokayev-i-don-t-think-kazakh-president-will-run-in-2020 (last accessed: 2 April 2019).

⁷ The dissolution of the government came after unusually persistent protests in which demonstrators in several cities across the country have accused the government of ignoring the needs and demands of ordinary people. See C. Putz, *Nazarbayev Fired the Kazakh Government*, in *The Diplomat*, 22 February 2019. Available at: thediplomat.com/2019/02/nazarbayev-fired-the-kazakh-government/ (last accessed: 2 April 2019).

⁸ *Nazarbayev commented on his appeal to the Constitutional Council*, in *Vlast.kz*. Available at: vlast.kz/novosti/31581-nazarbaev-prokomentiroval-svoe-obrasenie-v-konstitucionnyj-sovet.html (last accessed: 2 April 2019).

Whereas most political analysts are currently engaged in solving the puzzle of who will rule post-Nazarbayev's Kazakhstan by maintaining the focus on 2020 presidential elections, this article focuses on the 2017 Kazakh constitutional reform within the context of Nazarbayev's resignation. This article aims at showing that Nazarbayev's decision to resign represents a move of a smart authoritarianism to consolidate a power structure formally introduced in 2017. To this end, the article is structured as follows. First, it focuses on Kazakh constitutional development so as to provide for a characteristic features of Nazarbayev's "model of democracy" (i.e. authoritarian modernization). Second, it examines the essence of 2017 constitutional amendments, which have formally introduced in a country a more rigid separation of powers and improved the system of checks and balances. Third, by exploring what the concept of democracy means in the country, the article identifies the main purposes of 2017 constitutional changes. In particular, it is claimed that the last changes to the Kazakh Constitution are at the heart of an unprecedented model of authoritarian succession, which is aimed at ensuring a managed and peaceful power transition in the country. Finally, the article identifies the characteristic features of Nazarbayev's succession "method" by arguing that the latter, if successful in Kazakhstan, has the potential to be used as a model by other countries in the post-Soviet region that are facing (or will face) the issue of power transition, such as Putin's Russia.

2. Constitutional Background

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As in other Central Asian states, constitutional arrangements have proven to be remarkably fluid in Kazakhstan. Following independence, the country adopted its first post-Soviet Constitution on 28 January 1993. Although the constitution-making process was heavily dominated by the president, Nazarbayev initially presented himself as a reformer. The new Constitution formally met the democratic requirements.⁹ For example, it established a secular government, representative legislature, judicial system, constitutional justice and guarantees for human rights and freedoms. In addition, it introduced a presidential system, but provided national parliament with a mechanism to balance presidential powers. Drafts legislation, which was proposed by the president in the early 1990s, also suggested an initial real effort of the country to transition toward a more liberal and democratic order. For instance, the 1994 electoral law was committed to a more vibrant notion of political pluralism.¹⁰ However, this initial democratic impulse quickly stalled, and by 1995 it was clear that the country was not developing into democracy.¹¹ Kazakhstan, in fact, represents the first Central

⁹ See E. Akerman, *Democratisation in Central Asia: communism to clanism*, in 2 *Conflict, Security & Development*, 1 (2011), 133.

¹⁰ See R.D. Kangas, *Legal Reform in Central Asia: Battling the Influence of History*, in D. Burghart, T. Sabonis-Helf (eds.), *In the Tracks of Tamerlane: Central Asia's Path to the 21st Century*, Honolulu, 2005, 74.

¹¹ K. Collins, *Clans, Pacts, and Politics in Central Asia*, in 13 *Journal of Democracy*, 3 (2002), 137.

Asian state which used the instrument of ‘constitutional replacement’ (and later constitutional amendments) as synonym for legitimizing authoritarian state building.

The origins of constitutional replacement derived from an intense crisis between the president and the parliament. The first post-Soviet legislature, elected in March 1994,¹² was initially pro-presidential,¹³ but it soon proved to be too independent, and develop into a body that was highly critical of the president. Nazarbayev perceived that the reform process is being impeded by the Constitution. Moreover, he lacked sufficient power to push through reform in the face of the legislature’s resistance, as the latter began to challenge his reforms and sought to introduce its own. The president thus became increasingly impatient with the assembly and exerted pressures to have it dissolved. Support was provided by the constitutional court, which ruled in March 1995 that the 1994 parliamentary elections were unconstitutional; in response, parliament voted to suspend the constitutional court. Nazarbayev then used his constitutionally sanctioned power to dissolve the legislature, and ruled for the rest of 1995 by presidential decrees. In the absence of an active parliament, he extended his tenure in office until the end of the century in a referendum supported by 91 per cent of the population. With this reinforced legitimacy, he finally put forward an entirely new Constitution, approved by a similar percentage of the population on 30 August 1995.

Rewriting the Constitution gave Nazarbayev the possibility to shift from one constitutional order to another, legitimately replacing bodies that are supposed to check executive powers. The 1995 Constitution maintained a strong presidential system, but it also weakened the legislature by creating a new bicameral parliament comprised of the Senate (the upper house) and the *Majilis* (the lower house) with limited powers. Moreover, the previous constitutional court was substituted with a weaker constitutional council, which decisions the president might veto,¹⁴ thus preventing any serious check on the exercise of the president’s greatly expanded powers. More particularly, the 1995 Constitution gave Nazarbayev the right to rule by decree, to dissolve parliament more or less at will, to appoint the prime minister and other governmental figures, as well as seven members of the 47-member Senate, and to permit parliament to delegate law-making powers to the president for up to a year. In addition, it established

¹² Until that election, the republican Supreme Soviet deputies elected in 1989 remained in office. See Human Rights Watch, *Report on Kazakhstan*, 1999, in *Hrw.org*. Available at: www.hrw.org/legacy/reports/1999/kazakhstan/Kaz1099b-02.htm#TopOfPage (last accessed: 2 April 2019).

¹³ Seventy-two of the new 177-member lower house were directly tied to the president, whose Union of Popular Unity (SNEK – incorporated in 1999 in Nur Otan party) won 30 seats, while candidates from a presidential list filled forty-two of the seats. OSCE called the elections unfair, noting inflated voter turnout reports. See OSCE Parliamentary Assembly, *Report on Parliamentary Elections in Kazakhstan*, 5-6 December, 1995.

¹⁴ Although the constitutional court initially supported Nazarbayev in dissolving the parliament, it then repeatedly annulled several presidential decrees and commented unfavorably on the president’s new constitutional draft. In response, Nazarbayev removed the Court from the 1995 constitution. See A. Mazmanyan, *Constrained, Pragmatic, Pro-democratic: Appraising Constitutional Review Courts in Post-Soviet Politics*, in *43 Communist & Post-Communist Studies*, 4 (2010), 413.

an impeachment process that renders the notion of impeachment more or less non-implementable: the process requires an initial vote by one-third of deputies in the lower house (who would lose their seats if the motion eventually fell), majorities in both houses, a ruling by the supreme court and a 75 per cent majority vote in a joint sitting of the two houses.¹⁵

Further constitutional amendments were adopted in 1998, 2007 and 2010. Although constitutional amendments were presented as necessary for advancing democracy, they all further expanded presidential powers. For example, the 1998 constitutional reform aimed at strengthening the role of political parties by introducing a new mixed-majority system for parliamentary elections. When, however, the elections were held in 1999 they produced a legislative body mostly consisting of Nazarbayev's loyalists.¹⁶

The 2007 constitutional reform was adopted in view of Kazakhstan's aspiration to hold the OSCE chairmanship. Since the reform should have had at least the semblance of democracy, it was formally passed with the aim to strengthen the powers of the parliament. In particular, it increased the total number of parliamentary deputies, established government accountability not only to the president but also to the parliament (by giving government a vote of non-confidence), and the power of the parliament to approve the appointment of the prime minister (proposed by the president) and the government. In addition, the reform replaced the previous mixed-majority system with a proportional party representation, thus formally strengthened the role of political parties, and even reduced future presidential terms from seven to five years.¹⁷

The main outcomes of 2007 constitutional reform were essentially two: on the one hand, it limited Nazarbayev to run for two five-years terms, therefore the issue was quickly solved by passing an additional constitutional amendment two

¹⁵ J. Anderson, *Constitutional development in Central Asia*, in 16 *Central Asian Survey*, 3 (1997), 301.

¹⁶ OSCE Election Observation Mission – Republic of Kazakhstan, *Election of Deputies to the Majilis of the Parliament*, 10 October 1999. Available at: www.oscepa.org/documents/election-observation/election-observation-statements/kazakhstan/statements-13/1424-1999-parliamentary-1/file (last accessed: 2 April 2019). Parliamentary elections in Kazakhstan (and more generally Central Asia) are usually held with a semblance of democracy, ensuring at the same time that the results are predetermined. In order to achieve this goal Nazarbayev's invented several solutions. For example, in 2002 the country raised the number of members needed for party registration from 3,000 to 50,000 and required parties to have a branch office and at least 7,000 members in each of Kazakhstan's regions. The latter move led to the deregistration of most of the 19 political parties in the country. Another solution has been the creation of puppet parties. The party of power, Nur Otan, has been established in 1999 while the second regime party, Asar, was not even allowed a semblance of independence when, during the 2004 elections, it featured Nazarbayev's daughter at the head of its list. The Agro-Industrial Union of Workers is another puppet party that supports the president. The real opposition has been circumscribed. In particular, Nazarbayev has singled out nationalist or separatist groups, finding them guilty of violating a constitutional provision that prohibits groups attempting to promote social, racial, national, religious, class or tribal discord. Prominent targets have been a Kazakh nationalist party, Alash, and the Zheltoqsan movement, which were both banned and their leading opposition figures subject to harassment. See G. Golosov, *Lipstick on a Crocodile: Electoral Authoritarianism in Central Asia*, in *Opendemocracy.net*, 11 March 2011. Available at: www.opendemocracy.net/en/odr/lipstick-on-crocodile-electoral-authoritarianism-in-central-asia/ (last accessed: 3 April 2019).

¹⁷ OECD *Public Governance Reviews Kazakhstan: Review of the Central Administration*, Paris, 2014, 63.

days later which lifted the term limit clause on the first president of Kazakhstan. It allowed only Nazarbayev to run for an unlimited number of five years terms – a move that paved the way for Nazarbayev to become president for life. On the other hand, parliamentary elections, which followed the 2007 constitutional reform, were held under the newly introduced proportional system. Nonetheless, the minimum threshold to gain representation in the *Majilis* has been (and still is) set at 7 percent of the national vote. Thus in the parliamentary elections of August 2007 only one party succeeded in passing the threshold, and that was Nur Otan – the president’s party, which received an embarrassingly high 88 per cent of the vote, winning all seats in parliament.¹⁸

Finally, the Constitutional Act on First President of the Republic of Kazakhstan, No. 83-II of 20 July 2000 has been amended in 2010 by giving Nazarbayev the constitutional status of *Elbasy* (“leader of the nation”). This grants Nazarbayev the long life right to shape Kazakh politics, thus even after retirement,¹⁹ and immunity from civil and criminal prosecution for him, his family and their property. In other words, the 2010 changes provided Nazarbayev with a constitutional framework to live the office and hand over power. This has laid down the foundation for what will become through the 2017 constitutional reform Nazarbayev’s succession plan.

3. 2017 Constitutional Reform: A New Authoritarian Succession Model?

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3.1 *The Law “On Amendments and Changes to the Constitution of Kazakhstan” of 10 March 2017*

Following constitutional reforms of 1998, 2007 and 2010, the resulting Kazakh Constitution still looked formally democratic and still committed to a separation of powers, but its text has been substantially altered in a way that it precluded any possibility of further democratization. By mastering the rhetoric of

¹⁸ See T.Y. Kanapyanov, N.K. Kaliyev, *Parliamentary Reforms of 2007 and One Party Dominated Parliament of Kazakhstan (2007-2012)*, in 6 *Mediterranean Journal of Social Sciences*, 6 (2015), p. 335. According to official results of both 2012 and 2016 parliamentary elections, out of seven political parties participating in the elections of 2012, and six participating in the elections of 2016, only three managed to clear the 7 percent threshold: the ruling Nur Otan party (with more than 80 percent of vote), Ak Zhol and the Communist Party.

¹⁹ Article 1 of the current version of the Constitutional Act stated: “the First President of the Republic of Kazakhstan – the Leader of the Nation – by virtue of his historical mission during all his life has the right: 1) to appeal to the people of Kazakhstan, government agencies, and officials with the initiatives on major issues of state construction, domestic and foreign policy, national security, which are subject to consideration by the relevant government authorities and officials; 2) to address to the Parliament of the Republic of Kazakhstan and its chambers, at meetings of the Government of the Republic during the discussion of important issues for the country, lead the Assembly of Peoples of Kazakhstan, be a member of the Constitutional Council, the Security Council of the Republic of Kazakhstan. Elaborating initiatives on key areas of domestic and foreign policies shall be coordinated with the First President of the Republic of Kazakhstan – the Leader of the Nation. Impeding the legitimate activities of the First President of the Republic of Kazakhstan - the Leader of the Nation, public insult or other infringement upon the honour and dignity of the First President of the Republic of Kazakhstan – the Leader of the Nation, as well as the desecration of images of the First President of the Republic of Kazakhstan – the Leader of the Nation are not allowed and will be punishable by law.”

democracy without any sincere pledge to this process, Nazarbayev built a constitutional order that places few constraints on his power, emphasizes his personal leadership and gives little space for checks and balances. What should be noted, however, is that in this authoritarian state building Nazarbayev paid attention to constitutional rules. In other words, the country's regime was not shaped by informal, unconstitutional measures: Nazarbayev took power constitutionally, through regular elections and, has consolidated his power positions by using formal democratic measures (constitutional replacement, amendments, and referenda) to neutralize the values of a system of checks and balances. In this way, several constitutional tools crucially helped him to strengthen authoritarian rule rather than liberalism and democracy.

For that reasons, the 2017 constitutional reform came as an unexpected initiative. It aimed, at least in the words of the first Kazakh President, at seriously redistributing powers between different branches of government and democratizing the political system. The new reform has been presented by Nazarbayev on 25 January 2017, during a special televised address to the nation.²⁰ Draft constitutional amendments were originally formulated by a special working group set up by presidential decree in December 2016, and composed of the members of the government, parliament, supreme court, constitutional council, academia and civil society.²¹ After the televised address, the proposed constitutional amendments were submitted to nationwide discussions, which formally ended on 26 February.²² Following the public's input the final draft law introducing constitutional changes was presented to a joint session of Parliament. It was approved in its first reading on 3 March, and in its second reading on 6 March.²³ At the same time, upon Nazarbayev's request, the constitutional council declared the package of amendments in line with the Constitution.²⁴ Finally, the Law entitled "on amendments and changes to the Constitution of Kazakhstan" was signed by the President on 10 March 2017.

Contrary to previous constitutional changes aimed at concentrating the power in the hands of the president, the main essence of the new reform was, at least on paper, the construction of a new power structure by reducing the power of the presidency. More specifically, the objectives of the reform can be summarized as follows: a) creating a more rigid and precise separation of powers

²⁰ See *Address by the President of the Republic of Kazakhstan Mr. Nursultan Nazarbayev to the People of Kazakhstan*, 25 January 2017. Available at: www.youtube.com/watch?v=68fzQFRJk10 (last accessed: 2 April 2019).

²¹ Venice Commission, *Comment of the working group on the redistribution of powers on the draft amendments to the constitution of the Republic of Kazakhstan*, Opinion No. 882/2017, 24 February 2017. Available at: [www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2017\)017-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2017)017-e) (last accessed: 3 April 2019).

²² *How did national discussion of amendments to Constitution take place in Kazakhstan?*, in *Strategy2050.kz.*, 1 March 2017. Available at: strategy2050.kz/en/news/43176/ (last accessed: 3 April 2019).

²³ A. Seisembayeva, *Kazakh Parliament approves dozens of amendments to Constitution*, in *The Astana Times*, 7 March 2017. Available at: astanatimes.com/2017/03/kazakh-parliament-approves-dozens-of-amendments-to-constitution/ (last accessed: 3 April 2019).

²⁴ E. Kosolapova, *Kazakh Constitutional Council okays amendments to constitution*, in *Trend News Agency*, 9 March 2017. Available at: en.trend.az/casia/kazakhstan/2729825.html (last accessed 1 April 2019).

between branches of government; b) strengthening the supervisory powers of the parliament over the activities of the government; c) improving the system of checks and balances and the stability of the political system. Amendments brought several innovations, including: a) strengthening the role of the parliament; b) the transfer of some presidential powers to the government and the parliament; c) a new role of the president, and d) the modernization of judicial system. Additionally, the reform established some changes related to local government and the procedure of amending the Constitution.

3.2 *How did Nazarbayev strengthen the role of the Parliament?*

The first change introduced by the 2017 constitutional reform concerned the legislative power. In particular, the reform increased the role of the parliament in two main areas: the formation of government and the vote of no-confidence. Under the new provisions of the Kazakh Constitution, the parliament is empowered to negotiate the cabinet's structure with the president. In this sense, the prime minister has to consult with the legislature before submitting proposals to the president regarding the composition of the government. An exception is made for ministers of foreign affairs and defense, which are appointed by the president independently.²⁵

Furthermore, according to the previous version of Kazakh Constitution, the government, as a collegial body, was accountable in all its activity to the president and only in cases provided by the Constitution to the *Majilis* of the parliament and the parliament as a whole. By contrast, the 2017 reform expressly established that the government is now accountable for its activities to both the president and the parliament.²⁶ Accordingly, the prime minister has to report on the activity of the government not only to the president, but now also to the legislative power.²⁷ Moreover, the government automatically resigns its powers to the *Majilis* of the parliament, and not to the president as it was before the reform.²⁸ However, the president still continues to play an important role in these processes. On the one hand, he can consider within a period of ten days the issue of accepting or declining the resignation of the government in the event that the parliament passes a vote of no-confidence against the cabinet.²⁹ On the other hand, the president has the right to adopt a decision to terminate the powers of the government on his own initiative, regardless the parliamentary motion of no-confidence.³⁰

The 2017 reform maintained the individual ministerial responsibility, which means that members of the government are still accountable to the chambers of the parliament.³¹ The new procedure requires a quorum of the majority of non-less than 2/3 of the total number of the chamber deputies to

²⁵ Article 44, par. 3 of the Constitution.

²⁶ Article 64, par. 2 of the Constitution.

²⁷ Article 67, par. 4 of the Constitution.

²⁸ Article 70, par. 1 of the Constitution.

²⁹ Article 70, par. 5 of the Constitution.

³⁰ Article 70, par. 7 of the Constitution.

³¹ Article 64, par. 3 of the Constitution.

propose to the president the removal from office of any member of the government in the case of non-fulfillment of laws. Contrary to the case of cabinet collective responsibility, the president is forced to dismiss a member of the government without any possibility to reject the appeal.³²

3.3 *Which Presidential powers were devolved to the Government and the Parliament?*

The second change introduced by the 2017 constitutional reform concerned the transfer of some presidential powers to the government and the parliament. In particular, the presidential powers which were reduced in favour of the government include: the approval and implementation of state programs and the adoption of a unified system of financing and labor payment for all bodies financed by the state budget of the Republic.³³ At the same time, the reform removed the president's power to instruct the government to prepare draft laws and submit them to the *Majilis* of the parliament as well as the right of the president to cancel or suspend the acts of the government and the prime minister. In turn, the president retains the right to preside over meetings of the government on especially important issues, but following the 2017 reform only if necessary.³⁴

In relation to the parliament, the reform abolished President's power to issue decrees having the force of law as well as parliament's power to delegate legislation to the president for up to a year. However, the president still may indicate to the parliament which draft laws are to be examined as a matter of priority and retains the power of legislative initiative.³⁵

3.4 *The new role of the President*

Under the new provisions of the Kazakh Constitution, the office of the president is designed as that of a "supreme arbiter" among different branches of powers. His main activities focus on strategic development planning, national security and defense, and domestic and foreign policy. Additionally, the president represents Kazakhstan within the country and in international relations, ensures the inviolability of the Constitution, and the respect of fundamental rights and freedoms.

The reform has left untouched the 2000 *Constitutional Law on First President of the Republic of Kazakhstan* (as amended in 2010), therefore Nazarbayev maintains its constitutional status of "leader of the nation" which grants him additional powers that he will be able to exercise even after his retirement.

3.5 *Modernization of the Judicial System*

The third area interested by the 2017 constitutional amendments is the judicial system. Despite an overall aspiration to modernize the courts' system, important

³² Article 57, par. 6 of the Constitution.

³³ Article 66, par. 1 of the Constitution.

³⁴ Article 44, par. 3 of the Constitution.

³⁵ Article 61, par. 1-2 of the Constitution.

changes regard specifically both the supreme court and the constitutional council. According to the new constitutional provisions the supreme court, for example, no longer exercises supervision over the activities of local and other courts.

Major changes were, however, introduced in relation to constitutional review. First, the constitutional council is now empowered to review all constitutional amendments before their adoption in regard to their compliance with the requirement of Article 91, par. 2 of the Constitution, providing that the provisions on constitutional values cannot be changed.³⁶ Second, the president has the right to request the opinion of the constitutional council on the compliance of a law or another legal act or regulation with the Constitution.³⁷ Finally, the reform abolished the power of the president to veto the decisions of the constitutional council, which in the past not only greatly limited the system of constitutional review in the country, but allowed Nazarbayev to use the constitutional adjudication body at his own will.³⁸

3.6 Local government

The 2017 reform also changed the legal framework regarding the activities of the local administration and local government. In fact, despite leaving in the hands of the president the power to appoint the *akims* (administrative heads) of regions, major cities and the capital, the new constitutional provision provides that the procedure of appointment or election of the *akims* of other administrative-territorial units shall be established by law,³⁹ which partially implies the transmission of this function to the national parliament. Moreover, the pre-term dissolution of *maslikhats* (local representative bodies) remains within presidential competences, but the new procedure integrates some

³⁶ Article 91, par. 3 of the Constitution.

³⁷ Article 44, par. 10.1 of the Constitution.

³⁸ The Kazakh constitutional council is a docile body, which has been used by Nazarbayev for different purposes. On one hand, the council has been used to paint Kazakhstan as a progressive, democratic nation with an efficient judicial system. In 2011, for example, the constitutional council adopted a decision that rejected the proposal to extend Nazarbayev's term in office until 2020, thus bypassing two consecutive presidential elections. The decision, however, resembles an illusory judicial activism: it was engineered by the president, who then opted to not use his power to veto the decision, but maintained that he would respect the democratic principles established by the constitution and, thus, the council's decision. Shortly after, though, Nazarbayev won the early presidential elections with 95 per cent of the vote. On the other hand, Nazarbayev used the constitutional council to present himself as a democratic reformer by appearing more democratic than the country's constitutional adjudication body itself. For instance, in 2012 the constitutional council decided, with the consent of the president, that national elections could not be held in the region of Zhanaozen where a state of emergency was declared due to clashes between protesters and police. It is self-evident that such a decision would have led to further violations of human rights in the protesting region, but it was instantly overruled by the president, who argued that residents cannot be denied their constitutional rights. See A. Mazmanyan, *Judicialization of politics: The post-Soviet way*, in 13 *International Journal of Constitutional Law*, 1 (2015), 200.

³⁹ Article 87, par. 4 of the Constitution.

elements of collegiality as it requires consultations with the prime minister and chairpersons of the two chambers of parliament.⁴⁰

3.7 Constitutional amendment procedure

The Kazakh Constitution contains a list of constitutional values which may not be changed even through the constitutional amendments procedure.⁴¹ These values are: the unitary and territorial integrity of the state and the form of government. The 2017 constitutional reform added to this list the independence of the State. What appears interesting to note is that the Constitution expressly establishes (even before the 2017 reform) that the form of government is a constitutional value, and therefore it can't be changed through constitutional amendments. Nonetheless, the 2017 reform has redistributed 34 presidential powers to other branches of government, and this move requested to amend 23 Articles of the Kazakh Constitution. Does it mean that the reform which finally devolved some presidential powers to other branches of government is in contrast with Kazakh constitutional values?

The 1995 Constitution establishes two alternative procedures for the adoption of constitutional amendments both initiated by the president. The first requests an all-nation referendum, and the second parliamentary approval. What procedure should be followed depends again on the decision of the president. In other post-Soviet countries, parliamentary approval is usually required in order to change the list of amendable parts of the Constitution, while the national referendum is used for its unamendable provisions. This is because it is assumed that in the latter case people exercise through a national referendum their constituent power, which cannot be limited by the Constitution.⁴² If this is true in the case of Kazakhstan as well, the 2017 constitutional reform appears unconstitutional from both a formal and a substantive perspectives. First of all, Nazarbayev opted for a speedy passage through Parliament notwithstanding the fact that the reform changed a number of provisions related to the form of government. The unconstitutionality of the reform seems further confirmed by those observers who argue that it changed the Kazakh presidential system into a more parliamentary or at least semi-presidential system.⁴³ The latter vision was initially shared also by Nazarbayev, who asserted in his televised speech of 25 January 2017 that the strong presidential model in force since independence was necessary to overcome the enormous difficulties of forming the state, but the time has arrived for a new model as over the course of 25 years the presidential form has fulfilled its mission.

⁴⁰ Article 86, par 5 of the Constitution.

⁴¹ Article 91, par. 2 of the Constitution.

⁴² See C. Pistan, *Tra democrazia e autoritarismo: sistemi di giustizia costituzionale nell'Europa centro-orientale e nell'area post-sovietica*, Bologna, 2015, 222.

⁴³ E. Araral, R. Pelizzo, A. Burkhanov, S. Orazgaliyev, *Constitutional reform: what can Kazakhstan learn from international experience?*, in *The Astana Time*, 25 February, 2017. Available at: astanatimes.com/2017/02/constitutional-reform-what-can-kazakhstan-learn-from-international-experience/ (last accessed: 4 April 2019).

Nonetheless, after the approval of the 2017 reform Nazarbayev changed his mind and asserted that the country will continue to have a presidential form of government, but power distribution will be more balanced, flexible and effective. The Constitutional Council upheld the reform declaring it “in line” with all constitutional values. However, the fact that Kazakhstan remains a presidential system has been further confirmed by the opinion of the Venice Commission, which clearly stresses that the reform brings the country closer to the semi-presidential system, but it does not represent a change in the nature of the constitutional order of the country, which retains the general features of a presidential system.⁴⁴ Thus, the reform should be considered ultimately in line with the Constitution but only because it was formulated within the framework of the presidential system. This is not to say that the Kazakh form of government could not be changed because it is included in the list of unchangeable constitutional values; theoretically, however, the only way to shift from one governmental system to another is by holding a nationwide referendum. From the practical perspective, the issue of the constitutionality of the 2017 constitutional amendments remains also relevant as it is related to what has been called Nazarbayev’s “model of democracy.”⁴⁵

4. What does Democracy Mean in Kazakhstan?

Among its various objectives, the 2017 constitutional reform was aimed – according to Nazarbayev – at furthering the democratic development of Kazakhstan. Since Nazarbayev usually used the rhetoric of democratization as a political maneuver, the real purpose of the 2017 reform has not been clear at least at the moment it was passed by the parliament. Nonetheless, several observers have hailed the 2017 initiative to amend Kazakh Constitution with considerable optimism, arguing that it could help lead the Kazakh consolidated authoritarian regime towards a future democratic transition.⁴⁶ Even the opinion of the Venice Commission describes the 2017 constitutional changes as a “step forward in the process of democratization of the state.”⁴⁷

Yet, what democracy really means in Kazakhstan remains unclear. Over the past nearly three decades Nazarbayev has never retreated his rhetorical public commitment to building a democratic system even though in the mid-1990s it was clear that the country was not directed towards liberalism or democracy. For instance, when Nazarbayev dissolved the parliament in 1995 he insisted that it was the constitutional court decision to order the dissolution:

⁴⁴ Venice Commission, *Kazakhstan. Opinion on the amendments to the Constitution*, No. 882/2017, 14 March 2017. Available at: [www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2017\)010-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2017)010-e) (last accessed: 2 April 2019).

⁴⁵ See F. Kukeyeva, O. Shkapyak, *Central Asia's Transition to Democracy*, in 81 *Procedia – Social and Behavioral Sciences*, (2013), 79.

⁴⁶ E. Araral, R. Pelizzo, A. Burkhanov, S. Orazgaliyev, *Constitutional reform: what can Kazakhstan learn from international experience?*, cit.; Z. Kembayev, *Recent Constitutional Reforms in Kazakhstan: A Move towards Democratic Transition?*, in 42 *Review of Central and East European Law*, 4 (2017), 294.

⁴⁷ Venice Commission, *Kazakhstan. Opinion on the amendments to the Constitution*, cit.

“The law is the law, and the President is obliged to abide by the constitution [...] otherwise, how will we build a rule-of-law state?”⁴⁸ However, Nazarbayev also claimed that “Western schemes do not work in our Eurasian expanses.”⁴⁹ In fact, in order to justify the expansion of presidential powers Kazakhstan introduced its “special way theory”, which follows the formula “economics first, politics second”, meaning that only once economic recovery is ensured, political democracy will be introduced in the country. For example, in 2010 Nazarbayev stated: “We acknowledge that perhaps we have not yet reached the same level that developed nations have achieved – and it’s not just us, but many post-Soviet countries. But people aren’t ready for drastic changes. Therefore, we worry that democracy may be perceived as the opposite, as making people’s lives deteriorate. It happened in Russia [...]. When our neighbors in Kyrgyzstan tried to establish complete freedom of democracy, it led to such cataclysms that they still can’t recover. We see this in Ukraine, we see this in Georgia. Our people see it. We say the economy first, then politics. We need to move gradually.”⁵⁰ Finally, Nazarbayev summarized his belief during the 2015 presidential elections: “democracy is not the starting point of our way, it is the final point of our destination.”⁵¹

Under this “model of democracy” (i.e. authoritarian modernization) it is thus quite clear that the 2017 constitutional reform has not been aimed at triggering democratization. This is further confirmed by the country’s political reality, which would have requested following 2017 amendments the introduction of a real political pluralism.⁵² The latter would have implied as its first step to dissolve the parliament, form a genuinely competitive party system, hold free elections, and ensure that the newly elected parliament become a forum for pluralistic debate. But the year 2018 was not marked in Kazakhstan by any of such developments. By contrast, the country’s political reality remains heavily dominated by Nazarbayev’s Nur Otan party. The latter, together with some puppet parties all notably loyal to the president, maintains complete control over the parliament and other institutions, which serve as a rubberstamp for president’s policies. Competitive parliamentary and presidential elections are non-existent, and the space for opposition politics tightly restricted. Courts, including the constitutional council, are weak and only nominally independent, and basic fundamental rights restricted and frequently violated. In such political reality, the objectives of the 2017 constitutional reform – such as the creation of a more rigid and precise separation of power between branches of government and an effective system of checks and balances – should not be intended as a step

⁴⁸ See Human Rights Watch, *Report on Kazakhstan*, 1999, cit.

⁴⁹ *Idem*.

⁵⁰ *Nazarbayev: Economy first, then politics*, in *Euronews*, 15 January 2010. Available at: www.euronews.com/2010/01/15/nazarbayev-economy-first-then-politics/ (last accessed: 5 April 2010).

⁵¹ See D. Pisareva, *Making Sense of Nazarbayev’s Abrupt Resignation in Kazakhstan*, in *Atlantic Council*, 25 March 2019. Available at: www.atlanticcouncil.org/blogs/new-atlanticist/making-sense-of-nazarbayev-s-abrupt-resignation-in-kazakhstan (last accessed: 28 March 2019).

⁵² See C. Pistan, *2017 Constitutional Reform in Kazakhstan: increasing democracy without political pluralism?*, cit.

towards democracy, but rather as a maneuver aimed at preparing the ground for a political succession in the country.

The latter is further confirmed by the new Kazakh legislation on the National Security Council (KNSC) of 24 January 2018, which transformed the KNSC from an advisory to a constitutional body.⁵³ Another novelty arrived on 12 July 2018; the 2000 Constitutional Act on the First President of the Republic of Kazakhstan has been further amended by granting the first president the right to chair the KNSC for life. One of the KNSC's principal prerogatives is its power to veto appointments and dismiss key government functionaries at the central and regional levels. In practice, this means that once Nazarbayev is out of the presidency, he will still be able to influence his successor's decisions, as well as to block them if needed. Kazakh Justice Minister, Marat Beketayev, explained that Nazarbayev's lifelong right to head the KNSC follows the 2017 constitutional reform and serves as a factor in strengthening the country's stability.⁵⁴

5. The Main Features of Nazarbayev's Succession Plan

It has been rightly argued that power transitions in countries like Kazakhstan are complicated as they are pyramidal in nature. They pose a threat to both the top seat and players tied to the top seat, and do not necessarily follow the existing rules and procedures, as it is instead the case in democracy. This motivates the top seat and those near the top of the current structure of power to manage the process carefully in order to ensure their own survival. Moreover, the uncertainty, which marks the power transfer in non-democratic regimes, raises the specter of dramatic regime change, and can lead to political instability, and violent power struggles. For that reason, in non-democratic regimes it is even preferable to manage the power transition.⁵⁵

From such viewpoint, the 2017 constitutional reform in Kazakhstan should be read as a move orchestrated by a smart authoritarianism to ensure a managed and peaceful power transition overseen by the former president. First, the 2017 constitutional reform preserved the constitutional status of Nazarbayev as "leader of the nation", therefore it ensures that the first president maintains his powerful ruler position even after resignation. Second, it has also implicitly extended the powers of the first president. For example, in accordance with the Kazakh Constitution all former presidents are members of the constitutional council. This means that after resigning, Nazarbayev's will become a member of the constitutional council, and contrary to the past, after 2017 his successor will no longer have the power to veto the council's decision. Third, it seems very

⁵³ The KNSC is now responsible for coordinating the implementation of a unified state policy in ensuring national security and defense capabilities to maintain domestic political stability, protect the constitutional order, state independence, territorial integrity and the national interests of Kazakhstan internationally. See G. Voloshin, *Kazakhstan Draws Closer to Presidential Succession*, in 16 *Eurasia Daily Monitor*, 27 (2019).

⁵⁴ *Idem*.

⁵⁵ N. Hall, *Who Will Run Post-Nazarbayev Kazakhstan?*, in *The Diplomat*, 30 October 2018. Available at: thediplomat.com/2018/10/who-will-run-post-nazarbayev-kazakhstan/ (last accessed: 30 March 2019).

important that the 2017 constitutional reform has been adopted in line with the Constitution at least for two reasons: on the one hand, Nazarbayev has shown that he is acting according to constitutional rules. For instance, he dissolved his government in 2018 by using his constitutionally prescribed power; he also appealed to the constitutional council for clarification of terms allowing for presidential resignation, and he appointed the chairman of the Senate as acting president in accordance with the Constitution. On the other hand, the central part of the 2017 constitutional reform, that is the devolution of some presidential powers to the parliament and the government was not aimed at limiting Nazarbayev's powers (he remained the leader of the nation), but eventually the power of his successor.

In fact, the central part of the reform, that is the introduction of a more rigid separation of powers and the improvement of a system of check and balances is aimed at making easier for a new generations of leaders to manage a succession by splitting key roles between different players rather than allowing one successor to concentrate the power in his/her hands. The emergence of a powerful successor also risks threatening the intra-elite stability that Nazarbayev, so far carefully maintained. Yet Kazakhstan may also be *de facto* a one-party state, but Nazarbayev's ruling Nur Otan party is far from being a uniform political organization; in fact, it harbors a wide span of political views and interests.⁵⁶ Moreover, Nazarbayev stated in the televised address on 19 March 2019 that he sees his task now in mentoring the new generation of leaders, thus implying that they will continue with his authoritarian modernization.

Well-conceived and perfectly orchestrated, the 2017 constitutional reform has launched in Kazakhstan a new model of authoritarian succession, where acting not in contrast, but according to constitutional rules becomes a crucial tool for ensuring a managed and peaceful power transfer. In other words, Nazarbayev's resignation has been carefully prepared: the foundation of the mechanism of preparing the successor has been laid down by 2010 constitutional changes, which made Nazarbayev "leader of the nation." The rest has been developed by the 2017 constitutional reform; formally introduced in 2017, only to be activated in 2019 following Nazarbayev's formal act of resignation, it will receive its full application after the 2020 presidential elections.

6. Nazarbayev's Resignation: A Cosmetic Change?

Nazarbayev's model of succession has been activated on 19 March 2019 after his formal resignation and should be thus still tested, but in the days following its activation (nearly 15 days at the time of this writing) a series of events that arose in the country have all proven that by now it is well working.

First of all, Nazarbayev's resignation was not aimed at introducing significant novelties in Kazakhstan, but to allow the first President to retain his political power, thus controlling the political transition. On 20 March 2019, the

⁵⁶ See S.E. Cornell, J. Engvall, *Kazakhstan in Europe: Why Not?*, in *Silk Road Paper*, 2017, 35.

new Acting President Tokayev assured the nation that “nothing had changed”[...] and that the first President “will have special, one might say priority, importance in developing and making strategic decisions.”⁵⁷ Second, with the constitutional status of leader of the nation Nazarbayev prepared for himself a solid constitutional framework through which he is continuing to exercise significant political power and control over Kazakhstan’s political future: he is the head of the powerful KNSC, the chairman of his ruling Nur Otan party, and a member of the Constitutional Council. Third, the new Acting President Tokayev proposed, among his first acts, a new amendment to the Kazakh Constitution aimed at renaming the country’s capital Astana in “Nursultan” in honour of Nazarbayev. Under the support of both the government and the Constitutional Council, the Kazakh Parliament quickly approved the initiative, and Astana changed its name on 23 March 2019. He also proposed erecting a monument to the first President in the capital and renaming the central streets in all the cities of the country after Nazarbayev. Finally, Tokayev appointed the eldest daughter of the first president, Dariga Nazarbayeva as the chairwoman of the Senate. In her new role, Nazarbayeva will automatically become acting president if prior to the next presidential elections changes may occur in relation to Tokayev’s presidency, and she is now favoured to win the next presidential elections in 2020.⁵⁸

7. What’s Next?

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Undoubtedly, Nazarbayev’s resignation marks a historical change for independent Kazakhstan at least because for three decades this country experienced no transfer of power of any kind. In the nearly thirty years of Nazarbayev’s rule, the first president has been both praised and criticized.

In particular, Nazarbayev has been praised for maintaining political and economic stability and for ruling a multiethnic Kazakhstan without serious conflicts and violence.⁵⁹ Nazarbayev has also emphasized the discourse of political stability especially after Russia’s annexation of Crimea in 2014 that turned into a protracted conflict with Ukraine. As Nazarbayev said in 2016, “Ukraine, the second-biggest ex-Soviet state, today has an economy which is half the size of Kazakhstan’s, because there is no unity.”⁶⁰ In fact, thanks to its vast hydrocarbon resources, Kazakhstan has been able to increase its economic growth by more than twenty times during the 2010s when, however, the country was hit by the sharp plunge in oil prices and the Western sanctions against Russia. As a consequence, nowadays its economy is still not fully recovered.⁶¹ On

⁵⁷ *Nazarbayev Resigns, Tokayev Sworn in as Kazakh President*, in *Astana Calling*, No. 599/2019, 2. Available at: mfa.gov.kz/files/5c9d97b52f0db.pdf (last accessed: 2 April 2019).

⁵⁸ *Idem*.

⁵⁹ F. Kukeyeva, O. Shkapyak, *Central Asia’s Transition to Democracy*, cit., 82.

⁶⁰ See D. Pisareva, *Making Sense of Nazarbayev’s Abrupt Resignation in Kazakhstan*, cit.

⁶¹ See N. Konarzewska, *Kazakhstan’s President Resigns at a Moment of Political Tension and Uncertainty*, in *Central Asia-Caucasus Analyst*, 22 March 2019. Available at: www.cacianalyst.org/publications/analytical-articles/item/13562-kazakhstans-president-

the contrary, Western scholars have heavily criticized Nazarbayev for violating human rights, using autocratic methods to maintain control, concentrating power in the hands of the presidency, manipulating elections, circumscribing the opposition, and developing the cult of personality.⁶²

The classification of the political regime that Nazarbayev built in Kazakhstan is not easy. The country is situated in Central Asia, often described as one of the most repressive regions of the world and the least inclined towards democratization.⁶³ Democracy Watchdogs depicts Kazakhstan as consolidated authoritarian regime;⁶⁴ others, as a hybrid regime between democracy and autocracy or a soft-authoritarianism.⁶⁵ In fact, Kazakhstan experienced a democratic impulse in the early 1990s, which quickly stalled and went into reverse; in the mid-1990s it turned into an illiberal democracy,⁶⁶ but when the 1990s drew a close it joined other Central Asian states under one or another form of modern authoritarianism.⁶⁷ Nonetheless, Kazakhstan still remains more liberal if compared to its neighbors, in particular Turkmenistan and Uzbekistan.

Following Nazarbayev's resignation the question is: what will happen next? Contemporary non-democratic regimes have shown that they can move in multiple directions.⁶⁸ Nazarbayev's resignation is unprecedented not only because in the post-Soviet region nobody tried it since 1991, but also because many authoritarian leaders across the globe have tried to ensure political power after resignation, but few have succeeded. Nazarbayev probably hopes to oversee the transition in the way Lee Kuan Yew did in Singapore, but he also launched an unprecedented model of authoritarian succession that nobody before has tested. The latter is composed of several elements: 1) the 2010 constitutional changes, which launched the basis for the succession plan by ensuring that the first president retains political power after he leaves the office; 2) the 2017 constitutional reform, which is at the heart of Nazarbayev's succession model,

resigns-at-a-moment-of-political-tension-and-uncertainty.html (last accessed 25 March 2019).

⁶² For example, Kazakhstan celebrates holidays on both the president's birthday and on the anniversary of his first election. Additionally, in 2006, Nazarbayev changed the lyrics to country's national anthem, whilst in 2017, one of the main streets in the city of Almaty (former capital of Kazakhstan) has been renamed after him. For criticisms of Nazarbayev's rule see D. Burghart, T. Sabonis-Helf (eds.), *In the Tracks of Tamerlane: Central Asia's Path to the 21st Century*, cit.; S.N. Cummings (ed.), *Power and Change in Central Asia*, Abingdon – New York, 2002; M. Olcott, *Central Asia's Second Chance*, Washington, DC, 2005.

⁶³ See for example J. Bunstra, *Democracy in Central Asia: Sowing in unfertile fields?*, in *EUCAM Policy Brief*, No. 23, 2012.

⁶⁴ See Freedom House, *Kazakhstan Country Report*, Nation in Transit 2018. Available at: freedomhouse.org/report/nations-transit/2018/kazakhstan (last accessed: 28 March 2019).

⁶⁵ See E. Akerman, *Democratisation in Central Asia: communism to clanism*, cit., 134; T. Tugsbilguun, *Democracy in Central Asia: Authoritarian Regimes or Hybrid Regimes?*, in *The Mongolian Journal of International Affairs*, 18 (2013), 124; E. Schatz, *The Soft Authoritarian Tool Kit: Agenda-Setting Power in Kazakhstan and Kyrgyzstan*, in *41 Comparative Politics* 2 (2009), 203.

⁶⁶ According to Fareed Zakaria, there is a spectrum of illiberal democracies, ranging from modest offenders like Argentina to near-tyrannies like Kazakhstan and Belarus. See F. Zakaria, *The rise of illiberal democracy*, in *76 Foreign Affairs* 6 (1997), 22.

⁶⁷ See K. Collins, *Clans, Pacts, and Politics in Central Asia*, cit., 137.

⁶⁸ See generally T. Carothers, *The End of the Transition Paradigm*, *13 Journal of Democracy*, 1 (2002), 5.

introduced a more rigid separation of powers and improved the system of checks and balances. However, it also aimed at limiting the power of future presidents, but not Nazarbayev's; 3) the 2018 new legislation, which strengthens the role of the resigned first President, by creating a powerful security council; 4) the formal act of resignation, announced during the televised address to the nation; 5) strict adherence to constitutional rules before and after resignation.

Yet Nazarbayev's model is still under testing and the end game of the power transfer remains unclear, but if Nazarbayev's succession plan results successful it could become a model for other countries in the post-Soviet Union region which are facing or will face in the future the problem of power transition (such as Rahmon's Tajikistan, Putin's Russia, etc.).

There is, however, a further issue which appears "out of control" in Nazarbayev's succession model: the separation of powers and the system of checks and balances are not authoritarian, but democratic instruments. More precisely, these are instruments that liberal constitutionalism traditionally uses to protect and govern democracy. Following the 2020 presidential elections, Nazarbayev successor will be forced to share power with other institutions, thus creating paradoxically unintended but more amenable conditions for a real transformation of Kazakhstan into a more pluralistic and democratic order. As the demise of the Soviet Union shows, reforms are the most dangerous moment for an authoritarian regime because they could lead the unravelling of authoritarian dynamics or even trigger the end of the regime. Building democracy represents, however, an exceedingly difficult and long journey.