

“Leader of the Nation” Law comes into force

In mid-May Parliament unanimously passed the law giving President Nazarbayev the title of “Leader of the Nation” and granting him and his family members a number of privileges¹. The adopted amendments provide him with a policy-making role even after he steps down. He has a lifelong right to address the people of Kazakhstan, state bodies and officials with initiatives on the most important issues of state-building, domestic and foreign policy, and national security ; to address Parliament and participate in the sessions of the Cabinet; to head the Assembly of the People of Kazakhstan; and to be a member of the Constitutional Council and Security Council. All the important domestic and foreign policy initiatives are to be agreed with the First President - Leader of the Nation².

The law also states that public insults or any other encroachment on the honour and dignity of the Leader of the Nation, as well as defacing his pictorial images are not allowed and will be punished by law. These offences can result in a one-year prison sentence. The Leader of the Nation, on the other hand, has life-long immunity from legal persecution: he cannot be detained, arrested, searched or interrogated. His private property and that of his family members cannot be subject to any constraints. The confidentiality of his bank accounts and those of his family members is guaranteed.

The adoption of the law was accompanied by a limited public debate. The official press dwelt on the special role and great contribution of the First President that required a special legally recognized status. Authors of articles in independent newspapers and comments on informal internet forums ventured guesses as to the real reasons behind this law. Was it a “bottom-up” (produced by the ardent Nur Otan

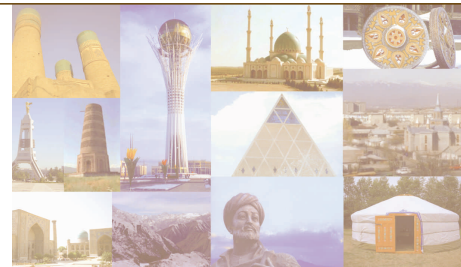
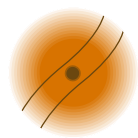
party members as a present for Nazarbayev’s 70th anniversary celebrated on 6 July) or “top-down” (conceived in the Presidential Administration) initiative? What triggered it? Was it influenced by the Kyrgyz events or did it mark the beginning of operation “successor”?

The biggest question that remained was whether Nazarbayev would sign the law or not. Some believed that the law would be vetoed. Firstly, Nazarbayev already acquired the privilege as the First President of Kazakhstan to an unlimited number of presidential terms and effectively could stay in office for life. Secondly, the damage the law would do to the country’s reputation especially during its chairmanship of the OSCE seemed too great. The leaders of the opposition OSDP Azat Party in their open letter to the President pointed out that this legislation “pushes Kazakhstan outside the community of civilized states and makes our chairmanship in the OSCE no more than a curious fact.”³

In a statement made on 3 June, Nazarbayev expressed his gratitude for the initiative noting that he received the decision of the deputies “positively and with understanding” since the idea is already “consolidated in the public consciousness” as evidenced by the “tens of thousands” of letters sent by citizens as well as by sociological surveys. However, Nazarbayev declined to sign the legislation, saying that he did not need expanded powers, but would request them in the future if need be.⁴

Consequently, some lauded the President for his modesty while others remained suspicious and pointed to the loophole that would allow this law to come into force without the President’s signature.⁵ In fact, on 15 June, a month after the law was passed by Parliament, it was signed by the Chairmen of the Senate and Majilis, and the Prime Minister, and came

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into force. The decisiveness with which Parliament and the government pushed this legislation through, opposing the President's publicly expressed desire, shows that he was not very firm.

The adopted law marks a Rubicon for Kazakhstan's political system (which it unfortunately crossed): if before it could be considered a half-hearted simulation of a liberal democracy, now it is clearly an authoritarian system built around President Nazarbayev who is –paradoxically- by law placed above law. Although it can be argued that such special status for the first President and the arrangement of his participation in the post-presidency period creates conditions for the country's stability, they cannot serve as a guarantee of a smooth power transition. Moreover, the damage done to the system by these constitutional-in-form but unconstitutional-in-principle amendments is hard to overestimate.

Opening of the Nazarbayev University in Astana

On the eve of his birthday, President Nazarbayev participated in the opening of a university named after him. The Nazarbayev University (or the New University of Astana) was announced as “a very important national project” that is to “have global systematic effect” on Kazakhstan's development.⁶ It is to provide the country with graduates specializing in the fields most useful for its economy: engineering, energy studies, medicine, and others.

The plan is also to make it a base for research and innovation by setting up several research centres: International Interdisciplinary Instrumentation Centre (to provide local scientists with most advanced equipment and training and prepare them for working in new research fields), Centre for Energy Research (to stimulate efficient use of energy resources and use of alternative energy sources), and Centre of Life Sciences (to prepare specialists in the sphere of biomedicine)⁷.

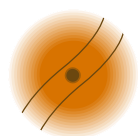
The university is already advertised as a world-class institution that is running joint academic and research programs with highly prestigious international partner universities. Cooperation agreements have been signed with University College London (UCL), University Wisconsin-Madison, Duke University, University of Pennsylvania, National University of Singapore and others. At present, UCL is the key partner developing the Foundation program. It is sending 50 teachers to give classes beginning in September this year.

The Nazarbayev University is clearly the educational institution most favoured by the government. It receives major administrative and financial assistance. The Board of Directors is presided by the Prime Minister and its members are appointed by government decree. This year the government allocated 500 grants for the most talented students. It was announced that with the opening of the university, Kazakhstan would stop sending students abroad to study engineering, medicine and energy.

To build a world-class university from scratch is a highly ambitious project. The fact that President Nazarbayev allowed the university to carry his name shows that it will continue to enjoy immense support. It remains to be seen whether this investment will live up to the expectations of the founders.

The launch of the Kazakhstan Caspian Transportation System postponed indefinitely

In recent years, Kazakhstan has been trying to develop the western route (across the Caspian Sea via the South Caucasus, and further to lucrative European markets) in an attempt to diversify its energy exports. These efforts have been driven by the need to find an outlet for growing volumes of Kazakh oil (especially after oil from the giant Kashagan oil field goes online).



In 2006 Azerbaijan agreed to support Kazakhstan in this endeavour. In 2008, Kazakh National Oil and Gas company Kazmunaigaz (KMG) and its Azerbaijani counterpart SOCAR signed an agreement on the main principles of the implementation of the Kazakhstan Caspian Transportation System (KCTS). The project provided for the building of a pipeline that would connect the oil fields of Kashagan and Tengiz to the Caspian port of Kuryk and developing infrastructure for bringing oil by tankers from Kuryk to Baku in Azerbaijan. The plan was to launch it in 2013-14.

In March 2009, KMG created a daughter company KMG-Transcaspian responsible for KCST project. On 3 June 2010, at the Caspian Oil&Gas-2010 conference in Baku, the heads of KMG and SOCAR talked about the necessity to speed up the project. Thus, it came as a surprise when ten days later, the KMG chairman Kairgeldy Kabyldin in his interview to Trend Agency announced that the initial volumes of Kashagan oil were not sufficient to supply the KCST until at least till 2016 and consequently the launch of KCTS is postponed indefinitely.⁸

Kazakhstan-Kyrgyzstan relations

On 28 June President Nazarbayev gave an interview to “Russia” TV channel in which he outlined Kazakhstan’s plans regarding Kyrgyzstan. He said that Astana would not send troops in the framework of the CSTO to Kyrgyzstan since this measure would only increase the conflict potential and fuel new animosity, this time between Kazakhs and Kyrgyz. Nazarbayev stated that the optimal strategy is to provide humanitarian aid and investments.⁹

While Kyrgyzstan no doubt welcomes humanitarian aid and investments, its economy has been more immediately damaged by Kazakhstan’s closing of the border for almost two months in the wake of the Rosa revolution. Disappointment with this action on Kazakhstan’s part will be felt for a long time.

In his interview, President Nazarbayev also said that Kazakhstan is ready to assist its neighbour in developing a sustainable economic growth strategy. This statement is part of the standard Astana discourse that likes to contrast peace and prosperity in Kazakhstan with instability and poverty in the neighbouring Kyrgyzstan. This condescending successful big brother tone will only spark resentment and in no way contributes to Astana’s plan to become the regional leader.

¹ All elected seats in the Majilis (Lower House of the Parliament) are held by the President’s Nur Otan party.

² “Vstupil v silu zakon o lidere nacji”, 15.05.2010 (<http://www.zakon.kz/page,1,6,175343-vstupil-v-silu-zakon-o-lidere-nacii.html>).

³ Co-chairmen of the OSDP Azat Party Bolat Abilov and Zharmakhan Tuyakbai, “Open letter to President of the RK Nursultan Nazarbayev”, 12.05.2010 (<http://www.osdp.kz/index.php?itemid=804>).

⁴ “Vstupil v silu zakon o lidere nacji”, 15.05.2010 (<http://www.zakon.kz/page,1,6,175343-vstupil-v-silu-zakon-o-lidere-nacii.html>).

⁵ According to Article 19 of the law regulating parliamentary affairs, a bill that is not vetoed, signed or returned to parliament automatically becomes law within a month.

⁶ President Nazarbayev’s speech at the session of Committee of Science and Research Politics in Kazakhstan, 4 September 2009.

⁷ Information on the Nazarbayev University – New Astana University was taken from its webpage (<http://eng.nu.edu.kz/>).

⁸ ANGI, 14.06.2010 (<http://www.angi.ru/news.shtml?oid=2761329>).

⁹ “Liter”, 29.06.2010.

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