



## KAZAKHSTAN'S CONSTITUTIONAL REFERENDUM: "THE STATE THAT LISTENS TO THE VOICE OF THE PEOPLE"

A referendum was held for the amendments and new regulations to be made in the Constitution of the Republic of Kazakhstan on June 5th 2022. According to the Central Referendum Commission, 7,985,769 (68.05%) of 11,734,642 voters participated in the referendum and of 6,163,516 people voted yes in the referendum, while 1,490,470 people voted no. According to the report of the Central Referendum Commission of the Republic of Kazakhstan, the constitutional regulations submitted to the referendum in 17 regions of Kazakhstan, in cities of national importance and in the capital, came into force with the support of more than half of the electorate.

According to the law, the referendum must be held within 1-3 months after the decree of the President. The initiative of the President of the Republic of Kazakhstan, Kassym-Jomart Tokayev to hold a nationwide referendum was put on the agenda at the 31st session of the Assembly of the People of Kazakhstan on May 5th 2022. The referendum was held for the first time in 27 years after the current Constitution was adopted in 1995. As a political institution, a referendum means that issues of national importance are decided by popular vote. According to the law, citizens over the age of 18 and have the right to vote can participate in the referendum. As mentioned above, for a referendum to be considered valid, more than half of eligible voters must vote. The purpose of this referendum was not to elect leaders and politicians (president, deputy, etc.), but to implement important constitutional changes that concern whole society through a political process in which the people are directly involved.

The issue of establishing an effective dialogue between the people and the state was constantly mentioned in the speeches and statements of President Tokayev. In a speech of the President in March this year, a clear attitude was expressed that significant changes would be made in the political system of Kazakhstan. In his video speech about the referendum, the President declared that the Constitution should be amended for the effective implementation of political modernization programs and a special working group was established within this framework. The President also noted the need for active participation of the people in dealing with the issues of national importance. Therefore, the President's initiative to hold a referendum is based on the demand of the people for active participation in governance and political processes in the country.

According to experts, the constitutional amendments adopted in the referendum held on August 30, 1995 were directly approved

by the Parliament. Therefore, this management mechanism led to the establishment of a super-presidential management system. This new process, which began with a referendum, shows that it is time for the people to take an active part in making important decisions to build a new Kazakhstan. President of the Republic of Kazakhstan Tokayev also stated in a video speech on the referendum that "the constitutional reform aims to comprehensively change the entire state model, and the changes provide a radical shift from the "super-presidential" model of government to an effective parliamentary and accountable system of government".

After the announcement of the referendum results, 56 amendments and new regulations were made in 33 Article of the Constitution of the Republic of Kazakhstan. Yerlan Karin, former Secretary of State of the Republic of Kazakhstan, stated that the amendments between the old and new versions of the Constitution are divided into five main parts for the public to understand the changes. While the first part of the constitution provides for the final transition from the super-presidential model to the democratic presidential model, the second part deals with the redistribution of power. The third part is to increase the role and status of the parliament and its chambers; the fourth part is to involve the population more in governing the country; the fifth part aims at strengthening the mechanism of protection of citizens' rights.

A closer look at these amendments reveals the significant changes. For example, in paragraphs 3 and 4 added to Article 43 of the 1995 Constitution, "The President of the Republic of Kazakhstan cannot be a member of any political party during his term of office. In addition, close relatives of the President of the Republic of Kazakhstan cannot hold high-level political posts and senior positions in state-sponsored private sector organizations. On the other hand, the phrase "The status and powers of the Founding President of Kazakhstan are determined by the Constitution of the Republic and constitutional law" in paragraph 4 of Article 46 was also abolished with a new referendum. Paragraph 2 of Article 23 adopted by referendum states: "Chairmen and judges of the Constitutional Court, Supreme Court and other courts of the Republic, chairmen and members of the Central Election Commission, the Supreme Audit Chamber, soldiers, employees of national security bodies, law enforcement agencies cannot be members of political parties and trade unions, cannot support any political party". Such changes made with the referendum aim to restore a balance of power in the state administration and to abolish the extraordinary privileges

granted to the President. These amendments can be expected to increase competition by ensuring equality between political parties in the country.

The provision in Article 6 of the 1995 Constitution that "Soil and underground, water resources, flora and fauna and other natural resources belong to the state... the land can be transferred to private ownership under the justifications and conditions determined by law", it has been amended as "Soil and underground, water resources, flora, fauna and other natural resources belong to the public... The state uses its property rights on behalf of the people" (3rd article). Considering the reaction of the Kazakh society to the sale or lease of public lands to foreigners and international companies in recent years, it is clear that these changes received the full support of the public. Moreover, the "Constitutional Council" was reorganized as the "Constitutional Court" in Articles 71-74 of the Constitution. According to experts, under the amended constitution, individuals and legal entities have the right to appeal to the Constitutional Court in the event of decisions that contradict the Constitution (for example, an illegal decision on land). The Constitutional Court is the competent body that makes the final decision in any dispute. Regarding fundamental rights and freedoms, paragraph 2 of Article 15 states, "No one has the right to take the life of another person. The death penalty is prohibited". That is, the death penalty in the previous paragraph was removed by amendment. Human rights activists and experts criticizing the death penalty law and support the view that "any individual cannot decide on the life of another individual with equal rights". Lawyers argue that the ban on the death penalty in other countries has not led to an increase in violent crimes. It can be said that human rights activists support the abolition of the death penalty. However, some people think that the abolition of the death penalty may lead to an increase in crime rates.

In conclusion, Tokayev's initiative to hold a nationwide referendum is based on maximizing the democratic potential of Kazakhstan's society and improving the political, economic and social system of the country through the decisions of the people. Experts claim that the people are aware of every article, paragraph, and even sentence of the Constitution, which was changed through a referendum. This process can be considered as the beginning of equal political competition, active social participation and governance. There is no doubt that this process, which is characterized by the expression "the state that listens to the voice of the people", is a sign of important changes in the political life of Kazakhstan.

## Politics, Foreign Affairs, and Security

- President of Kazakhstan Kassym-Jomart Tokayev addressed the anniversary Summit of the Collective Security Treaty Organization in Moscow, where he noted that the Organization needs to attach more attention to ensuring the security of the southern frontiers of Central Asia. Tokayev added that the unstable situation in Afghanistan as well as numerous armed groups within it still threaten the security and stability in the region. He concluded that an absolute priority is to develop the peacekeeping capacity of the Organization in the near term (Kazinform, 16.05.2022).
- Deputy Foreign Ministers of Central Asian countries had a meeting with the Deputy Secretary-General, Political Director of the European External Action Service Enrique Mora within the next round of EU-Central Asia high-level dialogue on politics and security. The parties discussed recent developments in the EU and Central Asian countries, cooperation on common security challenges, and inter-regional collaboration on a wide range of issues. They welcomed the upcoming EU-Central Asia Ministerial Conference on Interconnectivity and Sustainable Development in Samarkand (Kun.uz, 18.05.2022).
- President of Uzbekistan Shavkat Mirziyoyev had a phone talk with his Kyrgyz counterpart Sadyr Japarov. They discussed topical issues of further strengthening the Uzbek-Kyrgyz strategic partnership. The Presidents noted that trade and economic cooperation was expanding. In particular, trade turnover has increased by 30% since the beginning of 2022. The parties paid great attention to the implementation of the agreements in the field of trade, industrial cooperation, joint infrastructure projects, transport and energy, and the state border issues (UzReport, 19.05.2022).
- Counterterrorism teams from Russia, Central Asian countries, China, and Pakistan gathered at the start of the Shanghai Cooperation Organisation's Regional Anti-Terror Structure (SCO-RATS) talks hosted by India in Delhi. The participants focused on the ongoing situation in Afghanistan noting that the ongoing political crisis has deteriorated the status quo of the country. Discussing regional security, the delegates also will propose solutions to security issues, calling a "sincere" regional cooperation the only way to peace and stability (Khaama.com, 17.05.2022).
- President of Tajikistan Emomali Rahmon met with his Russian counterpart Vladimir Putin in Moscow. The parties exchanged views on the use of untapped opportunities for the sectors of the economy of both countries and the intensification of the work of the Intergovernmental Commission on Trade and Economic Cooperation. The Heads of State also discussed the political situation in the world and in the region (ASIA-Plus, 16.05.2022).
- The Defense Minister of Türkiye Hulusi Akar met with Pakistan's Army Chief General Qamar Javed Bajwa at the army headquarters in Pakistan's northeastern garrison city of Rawalpindi. The sides discussed a range of issues, including defense cooperation and regional security. Hulusi Akar also met his Pakistani counterpart Khawaja Asif in the capital Islamabad. The parties reiterated the desire to further enhance bilateral relations including efforts for bringing peace and stability to the region (Dailysabah.com, 21.05.2022).

## Economy, Finance, and Energy

- President of Kazakhstan Kassym-Jomart Tokayev had a meeting with his Russian counterpart Vladimir Putin in the Kremlin. During the meeting, Kassym-Jomart Tokayev announced that trade and economic cooperation between the countries was deepening. There are 20 joint projects at various stages of development worth \$4 billion in such industries as mechanical engineering, metallurgy, and the chemical industry. Trade turnover reached \$25 billion and it grew by 34% in 2021. Russian companies have invested \$17 billion in the economy of Kazakhstan (Qazaq TV, 17.05.2022).
- Minister of Trade and Integration of Kazakhstan Kairat Torebayev participated in a meeting of the Parliamentary Assembly of Turkic Speaking Countries, where he announced that Kazakhstan's trade with Turkic-speaking countries was rapidly growing. In the first quarter of 2022, the trade turnover between the parties increased by 53.3% and amounted to almost \$3 billion, increasing by a billion compared to the same period last year. The Minister noted that conditions for mutual trade are being simplified (Turk-pa.org, 20.05.2022).
- According to the Ministry of Information Technologies and Communications of Uzbekistan, the volume of exports of IT Park residents has increased by 3.5 times compared to the last year and amounted to \$17.3 million. During the 1st quarter of 2022, the total volume of services provided by residents increased by 186% compared to the same period of 2021. The share of the United States in the total exports exceeded 85%. By the end of 2022, exports are expected to reach \$100 million (UzReport, 19.05.2022).
- Central Asian officials, mainly consisting of Deputy Ministers on the economy, held a meeting on trade facilitation in Central Asia "From national road maps to regional reforms" in Kazakhstan's capital Nur-Sultan. Kazakhstan proposed to combine joint efforts to bring the countries of the region to the global e-commerce platforms, and to create a single regional project "Central Asian AMAZON." The officials also considered issues of joint entry of products of the Central Asian countries to the market of the European Union (Kabar, 16.05.2022).
- The International Development Association, which is part of the World Bank, will provide Tajikistan with \$45 million in grants for financing the Resilient Landscape Restoration Project. The agreement on this subject was signed on May 17 by the Finance Minister of Tajikistan and the World Bank Country Manager. The goal of the project is to support sustainable land management in Tajikistan and promote collaboration with Central Asian countries on transboundary landscape restoration (Asia-Plus, 19.05.2022).
- International development and financial institutions, consisting of the International Monetary Fund, World Bank Group, Organization for Economic Cooperation and Development, Financial Stability Board, as well as the G7 Finance Ministers and Central Bank Governors, recently announced that they had mobilized \$19.8 billion in economic support to Ukraine. The funds help Ukraine to close its financing gap and to continue ensuring the delivery of basic services to the Ukrainian people. The European Commission proposed up to €9 billion of additional macro-financial assistance (Ukrinform, 20.05.2022).

## Society and Culture

- The diplomatic missions of the member states and observer states of the Organization of Turkic States - Azerbaijan, Kazakhstan, Türkiye, Uzbekistan, and Hungary, held a gala concert of folk music in Vilnius. During the concert culture, customs, traditions, and national cuisine of the Turkic-speaking countries were presented. The event was attended by diplomats, Lithuanian officials, cultural and sports figures, and the Kazakh diaspora. The guests had an opportunity to taste Turkic national cuisines, see national costumes, and get acquainted with the tourism potential of the countries (Kazinform, 19.05.2022).
- The International Turkic Academy organized a three-day joint workshop held in Istanbul on the preparation of textbooks on Common Turkic History, Literature, and Geography. Apart from the Heads of Turkic organizations, the event was also attended by a large number of officials from the Ministries of Education and scholars from various universities of the Turkic world. After three-day intense joint work, the parties have made requisite corrections and adjustments and reached an agreement on the final states of the common history, literature, and geography textbooks (Turkkon.org, 25.05.2022).
- According to Anadolu Agency's director-general Serdar Karagoz, the project among news agencies in the Turkic world to come together under the single roof of the Turkic News Agencies Association was about to be completed. This was said during the Fourth Meeting of Ministers and Senior Officials Responsible for Media and Information of the Organization of Turkic States. The project is expected to further enhance the process of bringing the Turkic world closer together (Anadolu Agency, 16.05.2022).
- The ceremony of laying a capsule under the foundation for the construction of a new building for the Kazakh Embassy in Tajikistan was held in Dushanbe. The new building of the diplomatic mission of Kazakhstan is being built on Nusratullo Makhsum Street. The commencement ceremony of the construction of the complex was attended by the head of the Ministry of Foreign Affairs of Tajikistan and Kazakhstan as well as employees of the diplomatic departments of the two countries (ASIA-Plus, 17.05.2022).
- The Shusha Declaration on Allied Relations between Azerbaijan and Türkiye was published in the form of a separate book in Azerbaijani, Turkish and Russian. This was done by order of the Foundation for the Support of the Policy of the Turkic Speaking States of Kyrgyzstan in Bishkek. The book reflected the date of the signing of the Shusha Declaration and the approval of the document in the Grand National Assembly of Türkiye, and the Milli Majlis of Azerbaijan (Kabar, 19.05.2022).
- The UN will implement a project on the efficient use of lakes and wetlands in the Aral Sea region. The project includes the allocation of a grant of \$3,552,968 to finance the project "Preservation and management of lakes, wetlands and coastal areas as a basis for sustainable livelihoods in the degraded lands of the Aral Sea Basin". It will be implemented in the Muynak and Amudarya districts of Karakalpakstan, Karakul, and Alat districts of the Bukhara region within the next five years (Kun.uz, 21.05.2022).