

Flawed elections in Kazakhstan: how will the international community react?

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The parliamentary elections held in Kazakhstan on August 18, 2007 did not meet the expectations of the international community. But will Western governments introduce any changes in their policies towards this energy-rich Central Asian state? With Kazakhstan pushing for recognition as chair of the OSCE, this presents an early test for the democracy promotion commitments of the new EU Central Asia strategy.

Most of the international observers sent by the OSCE described the vote counting as lacking in basic democratic standards. The lack of transparency and assorted procedural problems¹ noted throughout polling day tainted an election that many analysts had hoped would be a decisive step forward in Kazakhstan's path towards democracy.

The decline in standards in comparison with previous elections was patent, with an almost 100 percent increase in observers' unfavourable assessments of the vote count compared with the parliamentary elections of 2004 and the presidential elections of 2005². These do not meet the expectations raised before the elections, which had been sold to the international community as the means to acquire the legitimacy needed for Kazakhstan to assume the OSCE chairmanship in 2009.

On the assumption that the elections and the result were the outcome of a deliberate government strategy, the question arises as to what President Nursultan Nazarbayev and his party, Nur Otan, has gained through these elections, and what goals have been achieved. The electoral laws have improved markedly since the last elections, but as Régine Roy, first counsellor in the European Commission's delegation in Astana, observed, the laws may be democratic, but they are not obeyed.

In terms of domestic policy, Nazarbayev wanted the elections to ratify the constitutional reforms approved in May 2007 and the changes made to the electoral law on June 19.³ But, did

¹ 'Kazakh elections: progress and problems', Press Release, ODIHR - Elections, 19/08/2007. See also 'Statement of preliminary findings and conclusions', OSCE Parliamentary Assembly, International Election Observation Mission, Parliamentary Elections, Republic of Kazakhstan, 18 July 2007, p. 3.

² See 'Kazakh vote is a litmus test' by David L. Stern, *International Herald Tribune*, 19 August 2007.

³ The legislative reforms give greater power to parliament, increasing the number of deputies from 77 to 107, as well as the number of senators, while reducing the presidential mandate from seven to five years. At the same time, however, they enable the country's first president (Nazarbayev) to stand in elections for the indefinite future. See 'Campaigning starts in Kazakhstan', BBC News, 18 July 2007. And that is not all. The legislative reforms also allow the president to engage in political party activities, and to change the membership of the Central Electoral Commission. See 'Statement of preliminary findings and conclusions', OSCE Parliamentary Assembly, International Election Observation Mission, Parliamentary Elections, Republic of Kazakhstan, 18 July 2007, p. 3.

the president need to bring forward the elections with this aim in mind? The result appeared to be little more than a self-affirmation of his and his party's leadership in the face of a parliament that was conceived as a forum of dialogue and debate between opposing views. This is perhaps the negative message that might have been received by civil societies in other Central Asian states, where, according to Eurasianet, hopes of change in their own more or less authoritarian regimes are decreasing.⁴ Ustina Markus, from the Kazakh Institute of Management and Strategic Research, has been quoted as saying that "now the president is not only able to run in elections time and again.... As a result of the new constitutional reforms, which stipulate that a deputy cannot vote against the party line, the president has complete control of parliament... Parliament is merely an extension of the presidency"⁵

The other possible motivation for calling elections can be found in foreign policy, namely an apparently longed-for legitimacy from the international community, which would allow Kazakhstan to assume the OSCE presidency in 2009. With the aim of securing this legitimacy, the president called for an Election Observation Mission (EOM) by the OSCE to control the election process.⁶ However, this explanation is also problematic, and is complicated by the fact that this strategy explicitly or implicitly contradicts the interests of a series of different international actors.

In the first place, the United States and Great Britain were the only members of the OSCE, before the elections were held, to express outright opposition to Kazakhstan's bid for the OSCE chairmanship⁷, basing their position on the lack of democratic commitment and failure to respect human rights in the Central Asian republic. These countries' economic interest in the region, although increasing, is not strong enough to justify a strategy that over the long term might easily favour Russia. In short, they acted out of long-term geostrategic motives, as opposed to short-term economic considerations.

The European Union and its member states have varying degrees of interest in the republic's energy resources. As president of the European Union during the first half of 2007, Germany drafted a new EU Strategy for Central Asia, at the heart of which was an energy agreement with the region, and in particular with Kazakhstan - home to the region's largest share of resources. Special emphasis is also placed in the document on gradual democratisation and the obligation to respect human rights throughout the region.⁸

These priorities are, of course, usually seen as colliding. An authoritarian but stable government can over the short term prove more responsive than a government in transition to democracy. A possible consequence to an incipient democracy could be giving voice to different and even contradicting interests, which could also give a higher preponderance to domestic issues. The latter could contravene the main European interest of finding an alternative to its energy dependence on Russia. But European thinking on what impact political change would have has in fact been limited.

⁴ 'Kazakhstan: opposition left to find whatever space is possible', *Eurasia Insight*, 23 August 2007.

⁵ 'Kazakhstan set to have one-party parliament following disputed election', *Eurasianet*, 20 August 2007.

⁶ The mission was headed by the ambassador Lubomir Kopaj, and consisted of a core group of 17 members, based in Astana and Almaty, and 36 long-term observers, assigned in groups of two to the country's 14 regions and to the big cities of Astana and Almaty. There were in addition 400 short-term observers, who worked under the orders of the long-term observers (see 'Interim report', OSCE/ODIHR, Election Observation Mission, Parliamentary Elections, 2007, Republic of Kazakhstan, 16 July 2007 - 4 August 2007). Furthermore, the Permanent Assembly of the Council of Europe (PACE) sent a delegation of five members as international observers, albeit largely in a testimonial capacity. This delegation was headed by David Wilshire (UK, European Democrat Group), (see 'PACE to observe parliamentary elections in Kazakhstan', Council of Europe, 14/08/2007, www.assembly.coe.int).

⁷ Interview with Régine Roy, head of the Economic and Political Section of the European Commission Delegation to the Republic of Kazakhstan, Astana, 14 August 2007.

⁸ See 'The EU and Central Asia: Strategy for a New Partnership', in <http://www.auswaertiges-amt.de/diplo/en/Europa/Aussenpolitik/Regionalabkommen/EU-CentralAsia-Strategy.pdf>

The third actor is the OSCE. The OSCE is an institution in the midst of change, and has as much to lose as to gain from accepting the legitimacy of the president of a non-democratic country such as Kazakhstan. By denying this legitimacy, it enables Russia, the fourth player, to argue that the OSCE is failing to treat all its members, both real and nominal democracies, on an equal basis, possibly leading to a split within the organisation. If, on the other hand, it agrees to the bid for the chairmanship, the OSCE would have to review its own governing principles, as Sean Robert, visiting fellow at Georgetown University, has explained: "If Kazakhstan is now awarded with this offer, it would have to come with total recognition of the fact that the democratic and electoral record has little significance for the OSCE, and this would completely change what the OSCE stands for". The problem lies in the fact that the OSCE would have to recognise that it is in reality an organisation with members on both sides of the divide marked by democracy and respect for human rights. Taking this divide seriously would mean separating its member states into two different groups, democracies and non-democracies.

Russia, however, would never allow this reinterpretation of the OSCE to take place, since it would then be located in the second group, opposite to countries that not so long ago came under its own sphere of influence. In addition, Russia has no desire to forsake the vestiges of its former empire. Central Asia, like the Caucasus, was formerly made up of republics within the Soviet Union, and Russia is obviously intent on maintaining its power in its former zone of influence.

As is now apparent, the key player in this dispute is Russia. Neither the role of the OSCE, as the region's democratising agent, nor the EU, which provides aid for this purpose, are credible actors once the geostrategic dangers of Russia's energy contracts with Kazakhstan, Turkmenistan and Uzbekistan - seemingly aimed at stopping these energy supplies going to Europe without crossing Russia's borders - are taken into account. It is on this basis that the comments of Senator Consiglio Di Nino, special coordinator of the OSCE's short-term observers and the head of the OSCE's Parliamentary Assembly, can perhaps best be interpreted. According to Di Nino, "aside from the concerns derived from the report, I believe that these elections are continuing to move Kazakhstan forward in its way towards democracy".⁹ These comments would appear to reflect a bid to prevent the republic from distancing itself even further from the European Union, and even from North America, not merely from an economic perspective but also from a political one, given the competition between Russia, Europe, the United States and China in the region.

The election was clearly flawed. President Nazarbayev's party, Nur Otan, which he has led since July 4, 2007, won 88 percent of the votes, and 100 percent of the deputies in the contest. None of the opposition parties managed to get over the 7 percent threshold required to secure representatives in the lower house (the Parliament or "Majilis").¹⁰ According to the official results, the main opposition party, the National Social Democratic Party (NSDP), won 4.62 percent of the votes, followed by the moderate Ak Zhol with 3.27 percent. The other four parties did not manage to secure more than 2 percent of the votes. Ambassador Kopaj, head of the observation mission, noted wryly that he "had never seen a democratic country with only one party in parliament."¹¹

At the domestic level, for better or for worse, Nur Otan's success in gaining 100 percent of the seats in parliament is likely to encourage a low turnout in future polls, and lead the population to lose confidence in future change. On a more positive note, the results could spur the excessively fragmented opposition to reorganise: the leading opposition party, the NSDP, has already announced the creation of a "popular front" aiming to unite all the opposition parties,¹²

⁹'Kazakh elections: progress and problems', Council of Europe, 19 August 2007, www.assembly.coe.int

¹⁰'Kazakhstan set to have one-party parliament following dispute elections', *Eurasianet*, 20 August 2007.

¹¹'Life without parole: Kazakhstan's parliamentary election', *The Economist*, 25 August 2007.

¹² See "Kazakh opposition plans to form unified 'popular front'", *Kazakhstan Daily Digest*, 23 August 2007.

even if the feasibility of such a movement is in some doubt. Meanwhile, the views on the elections of the region's other governments and civil societies largely depend on the reactions of the great powers, such as Russia, China, the United States and the European Union.

Aside from the United States and Canada, EU countries are the OSCE members that could and should be most critical of these elections, with Spain, president of the OSCE in 2007, as their spokesperson. According to Warkotsch, the EU hands over to the OSCE issues connected with democratisation so as not to enter into political dispute with certain powers, to the detriment of its economic interests. However, if these states were true to the values they say they promote, then Kazakhstan should be denied the presidency of the OSCE.¹³ But a possible split in the organisation, which would also endanger the economic interests of several member states in the region, seems too high a price to pay. The current rhetoric would appear to suggest that the only way of promoting democracy in this republic and throughout the region is by handing over responsibility it has to respond to. This strategy also has its risks, in that it shelves the requirement for concrete steps towards democratisation, and thus sends the unambiguous message to neighbouring governments that superficial moves are enough to be allowed to do what one's reality tells one to do.

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¹³ See Warkotsch, A. 'Die Demokratisierungspolitik der EU in Zentralasien', in Jünemann A./ Knodt, M. (eds.), Externe Demokratieförderung durch die Europäische Union, Nomos: Baden-Baden, 2007, (pp. 185-203).