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**KAZAKHSTAN'S PRIORITIES FOR THE OSCE CHAIRMANSHIP**

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JANUSZ BUGAJSKI: If everybody takes their places, we can begin. I would like to welcome everyone to CSIS and to a new season of activities. I hope you all had a restful and peaceful summer. It promises to be a very busy fall not least of which is the question of the OSCE. Kazakhstan, as you all know, is gearing up to chair – to assume the chair of the OSCE in 2010. And I think it is a good time now, a few months in advance, to take stock and to discuss what Astana would like to achieve through its chairmanship and conversely, what is possible to achieve in the OSCE.

And this, of course, raises much bigger questions about the future of the organization, its relevance, the relative significance of the three dimensions – security, economy and human rights – that were discussed here today, how does Kazakhstan intend to balance the three dimensions and to maintain, if not revive the OSCE despite all the rumors that the organization is somehow either not quite defunct, but is on its way.

It is losing a lot of its relevance through, I would say, pressure of some countries to dilute the human dimension – the human rights dimension, and to use the security dimension to dilute NATO. Maybe we can discuss this as well.

And we decided to divide the session today – our event today into two. I am very happy to have with us Ambassador Abdrakhmanov from Astana, who will speak at the beginning. And then we will have questions and answers. And then we will follow by four panelists we have, each of which has promised to speak very briefly for about 10 minutes, but we will cover as many of the questions as possible. And then we will leave it open and we will try and finish by about 2:30.

So let me begin very briefly by introducing the ambassador. Ambassador Kairat Abdrakhmanov was appointed permanent representative of Kazakhstan to the OSCE mission in Vienna in December 2008. Prior to his current appointment, he served as ambassador of Kazakhstan to Austria. Also has held many other capacities, many other positions in the course of his career including deputy minister of foreign affairs, ambassador to Israel, minister-counselor, embassy of Kazakhstan to the United Kingdom and vice minister of foreign affairs of Kazakhstan prior to that. So we are very happy to have you here, Kairat, and welcome your remarks.

AMBASSADOR KAIRAT ABDRAKHMANOV: Thank you very much, Janusz, for this splendid opportunity to address such a distinguished fora. I did have pleasure to observe your activity also on TV. There were some reports about very important events, which you hosted here in this beautiful city and in great country. Please allow me to thank you, CSIS and all your colleagues, for initiating the idea of holding this event and for your enormous efforts in dealing with organizational issues. I am very much pleased today to see my very distinguished colleague from short time in Vienna, Ambassador Julie Finley. This is a very special occasion to see you here in your country, in your motherland.

I see here some of my friends and colleagues who have even richer experience of dealing with OSCE issues. And I wonder if I would manage to cover all aspects of our policy with regard to incoming chairmanship or the OSCE activity, as well as Janusz now mentioned. So I

am not going to take up too much of our valuable time and will try to be brief in order to leave some time for questions and answers.

Well, this is one of the milestones in the history of my country, the OSCE chairmanship in the year 2010. The other day, a special designated state commission was created in Kazakhstan. It stresses the importance we attach to the chairmanship and is one of the most important organizations for us. The state commission is chaired by the newly appointed minister of foreign affairs, Dr. Kanat Saudabayev, whom I hope you know from his time in Washington. And notably, he is also currently secretary of state of the Republic of Kazakhstan. So it stresses even more the importance of this position for our incoming chairmanship.

Well, next year, we obviously will do everything to ensure – (inaudible) – continuation of enormous amount of work undertaken by our previous chairmanships, our distinguished chairs in office. The current chair, Greece, as we are all aware, has already demonstrated a great deal of skill and courage in coping with various tasks, which are posed by serious challenges in various fields. And Greek chairmanship leading today the OSCE team composed with our participating states and other institutions of the OSCE further. We will definitely invest all possible efforts in order to take further the so-called European security dialogue. I would like to highly commend the efforts of the Greek chairmanship, as well as previous chair, Finland, in accelerating the pace of these discussions to such a high level.

You remember that the informal meeting of the OSCE foreign ministers that took place in Corfu in June this year became a landmark event that outlined further directions of the dialogue on the security issues of Eurasia. So I now – my mentioning not – if you noticed, not only Europe, but Eurasia – as soon as this area under the OSCE is quite a vast one and the Asian part is significant in terms of further ensuring the security and stability in that part of the world. The discussions in Corfu later were shaped into the so-called Corfu process, which is dedicated to finding a good balance within and among dimensions – among all three dimensions.

There are three stages of the Corfu process. The first was started in Helsinki, November 2008, and can also be viewed as a follow up to the well-known speeches and initiatives of President Dmitry Medvedev on the future of European security. The second stage of the Corfu process envisaged a follow up of 10 expert meetings representing national delegations in Vienna and from the capitals. Actually yesterday we did have the first expert meeting in Vienna. And according to my knowledge and reports, which I received from Vienna, it was quite a successful one – very successful meeting, very constructive approach on behalf of actually all participating states.

So these meetings to cover all three dimensions – and this is very important to understand and also to cover so-called cross-dimensional issues under the scope of the OSCE activity. And we hope that this job of experts, of participating states not to be a simple fact-finding mission to identify threats, challenges and concerns. They are quite well-known. I rather should look for and to mention that there will be opportunity for – windows of opportunities in each of the dimensions and for the organization as a whole.

Well, inevitably, Kazakhstan is to inherit this very much positive legacy from previous chairmanships and we are in a position to be open, transparent and creative enough in our efforts in strengthening Euratlantic and Eurasian security and cooperation. Dear participants, dear colleagues, dear friends, we view our future chairmanship in the OSCE as an opportunity to breathe new life into the cooperation among the participating states. Kazakhstan's strategy in exercising the OSCE chairmanship will be continued commitment to the principles of cooperation that we have always been adhered to. These really entail maintaining a constructive, balanced dialogue with all members of the international community on the basis of trust, mutual understand, taking into consideration all contemporary, global and regional developments.

The OSCE has an impressive track record in promoting democratic challenges in our societies to the West and to the East from Vienna – and in my country obviously. And today the OSCE has become an integral part of political life of Kazakhstan. It has an extremely high profile. Since the post-Soviet states joined the organization, its essence and meaning have changed considerably. That is why the enhancement of the organization's efficiency will enable it to adequately respond to new challenges, as well as to enhance its agenda.

We support the OSCE efforts and valuable contribution on behalf of the institutions of the OSCE. I am in ODIHR. I am in the office of representative of freedom of media, high commissioner on national minority. Their efforts are aimed at establishing and developing civil society, rule of law, as well as boosting democratic reforms in the participating states. And we support the continuation of the ODIHR's mandate and fair relations – open relations with all these mentioned institutions on behalf of the participating states.

My country touches special importance to the development of dialogue with non-governmental organizations. It will be a very essential part of our chairmanship to promote further dialogue between governments of participating states with NGOs. In my country, at least we have held a number of civil forums on a regular basis. We encourage the participation of the Kazakh NGOs in the annual so-called human dimension implementation meetings. One is expected soon in Warsaw.

I take this opportunity to inform you that the Kazakh authorities adopted so-called national action plan on human rights for 2009, 2012. And we are going to present it properly and widely during the coming Warsaw meeting. It will be quite an opportunity for us to share with all interested parties what we mean under this quite important national plan. But actually the representatives of the civil society of my country actually participated in elaborating this – (inaudible) – document. And most part of the said parties evolved on the proposals of the NGOs. And actually this is what we are also demonstrating to other participating states to be very open in elaborating such kind of documents.

We have some other quite important events in my country. We got to further enhancing the legal reforms, judicial reform and there are many ideas, initiatives circulating around. I think that we will be able to accept also all – use initiatives on behalf of all interested parties of our civil society. Probably our civil society is not mature enough as I observe with quite admiration in this particular country. But we are not just sitting quietly and observing also with quite –

satisfaction, our undisputable achievements in economic or in other spheres. So we have something to do more definitely.

One more aspect we would like also to highlight during our chairmanship and to promote it is maintenance of interethnic and interfaith dialogue. Actually interethnic and interfaith accord has been recognized as one of the most significant accomplishments of Kazakhstan in the human dimension. We have been and remain to be very much a tolerant country. We stand ready to share our experience in maintaining stability on interethnic and interfaith areas. And it will definitely help us to achieve obvious goals – humanitarian goals of the OSCE. During our chairmanship, we will focus on the issues of facilitating dialogue among cultures and religions, enhancing tolerance and continuing the efforts of the participating states in their fight against all forms of discrimination, putting this into the very high agenda of our organization.

This is also an opportunity for me to share with you about our plan to hold in 2010 so-called comprehensive conference on tolerance, which was supported by the majority of participating states. And we just yesterday did have very substantial consultations with American delegation in Vienna. I received some positive feedback and very substantial comments on the concept, which we provided earlier to this conference. Now we should talk about agenda, venue, possibly Vienna. We don't pretend to have it only on the Kazakh soil, so we have quite a wide range of countries to host it. One country from Balkans already indicated its willingness to host it. And they have respective capital, so we are looking forward to continuing this work.

Economic and environmental dimension – this is also one of the important issues for all of our countries. Next year will be led under the theme of the economic and environmental forum. You know that in the – (inaudible) – second dimension, we have main event. It is economic and environmental forum. And the theme is the following: promoting good governance at border crossing, improving security of land transportation and facilitating international transport by road and rail in the OSCE region. It will be very important to have high-level understanding to this issue on behalf of participating states.

We need to continue implementing the OSCE environmental programs. We know that our organization could substantially contribute to solving global environmental problems. We will take some steps in order to check the position of some participating states with regard to such important issue as climate change. We don't have unfortunately unanimous support to this idea. But on our behalf, Kazakhstan, for example, would like to present such tragic ecological disaster like the Semipalatinsk nuclear test site that is also quite well-known, I think, problem and topic for you. The aerial military security of the first dimension partly will be covered during probably the Corfu process, but we also should respect the opinion of the participating states, who wish also to talk precisely about the hot security issues, okay, let's see how we could bring together the initiatives in these spheres of activity of our organization.

When I am talking about so-called Eurasian security architecture, we should have no doubt that regional stability and the fight against terrorism, extremism, drug trafficking, organized crime, trafficking in human beings should gain full support of all the participating

states. And actually we have such support and understanding. And we will make every effort to respond properly to these kinds of challenges.

Unstable situation in Afghanistan, obviously, is a cause for serious concern. We support initiatives aimed at strengthening the role of our organization and process of Afghanistan, let's say, post-conflict reconstruction. Engaging the OSCE will be an additional effective way to coordinate the efforts of the international community to counter threats emerging from Afghanistan. We have had some projects on bilateral level with Afghan government. For example, in the sphere of education, education seems to be one of the very important today spheres to be developed in Afghanistan in order to bring it to the high level of their society. And we have also – we would like to invite all other interested parties to implementation of such educational program, European Union, the United States, other countries, who are able to provide substantial support and funds would be very much appreciated.

We are firmly committed to continue our assistance to Afghanistan. And there are many members of international community involved. They are heavily engaged into this case. And also, we have had international organizations like CSTO, you know, the Collective Security Treaty Organization, the Shanghai Cooperation Organization, the Economic Cooperation Organization. So they are involved not only in the activity in Afghanistan, but also in Central Asia and in this Eurasian sphere.

Well, I will – again, I hope that I will have opportunity to respond to any kind of questions, so just let me to – in conclusion, to stress again that we recognize as a rapidly developing country with our unique identity and diverse culture our priorities not only in the OSCE, but for our future are quite clear and irreversible. Just imagine if we would not beat for the OSCE chairmanship, should it mean that we should stop in our progress and in our strife toward civil society towards political modernization? By no means – and actually by all our efforts on internal arena, we try to demonstrate it.

We also wish to enhance the significance of our area, Central Asia, within the OSCE geography. And we also are ready to share values of Central Asia with other participating states. And we really very much came to involve our Central Asian brotherly countries into the activity under the OSCE's values.

Well, the organization should be a unique platform for dialogue, which should unite Europe and Asia, which – (inaudible) – Eurasia. And we have no doubt that by joint efforts during our chairmanship, we would be able to highlight the values and core of our organization and to bring more understanding what our commitments – what are the OSCE commitments, how we should implement properly all documents we adhere to since Helsinki Act of '75. And next year, by the way, it is the anniversary of the Helsinki Act. It is anniversary of the Paris Charter. And there are many other important dates expected next year. So thank you very much.

MR. BUGAJSKI: Okay. Thank you very much, Kairat. I think we can go straight into questions and answers. If you could introduce yourselves, your name and affiliation and then pose your question or comment, please. Who is first?

Okay, maybe I will have the first question in that case as they are racking their brains. Could you tell us a little bit more about the Corfu process? What can be expected in 2010 in terms of specific achievements?

AMB. ABDRAKHMANOV: This is very good question taking into account that really, as I mentioned, to inherit this process initiated – actually the title is today Corfu process. But it was quite a remarkable brunch or dinner even – I think lunch in Helsinki. Julie just remind me – I think –

JULIE FINLEY: It was lunch.

AMB. ABDRAKHMANOV: Lunch during the Helsinki ministerial in 2007 – 2008, sorry. Two thousand and seven I should remember quite clear because it was Madrid's decision about our chairmanship. So 2008, it was the Finnish Minister Alexander Stubb who highlighted certain criteria for the promotion of security dialogue and enormous efforts and, again, heavy investments on behalf of the Greek chairmanship, on behalf of the foreign minister, Dora Bakoyannis, to that process. You should agree that it was not so easy to convene in a formal meeting of the foreign ministers of participating states and actually they were about 50 ministers at Corfu. This also reflects on the importance which our participating states attach to this process.

So now 10 expert meetings. I know that many participating states are going to send their experts from their capitals. I can't exclude that some of you to be involved in this process. And we really desperately need your contribution. It will be these – I mentioned 10 meetings in Vienna to be finished before Athens ministerial.

In order to try to reach during the Athens ministerial some if not ministerial type of declaration, but at least the goal, of course, to be able to finalize finally – for many years, we don't have ministerial declarations during the OSCE ministerial meetings, so to try to finalize such kind of decision, but if not to be even ambitious, but at least to bring some common understanding to the so-called concept of comprehensive and indivisible security in Europe – or in Eurasia, if you wish. So Athens will be also very much important stage for the Corfu process. And after Athens, if we will have some guidelines from our political leaders – in our case, foreign ministers – during our chairmanship, we will be ready to promote further the security dialogue.

MR. BUGAJSKI: Okay, thanks. Julie, you wanted to –

MS. FINLEY: Yes. I want to be friendly and welcoming to my former colleague and my good friend. I am very glad you have come over to do this. My first trip to Kazakhstan was of great interest to many people in Vienna because I had – speaking on behalf of the United States government – expressed great concern on the failure of Kazakhstan to observe human rights and appropriate democratic reforms throughout the government, throughout the country. So when I came back from Kazakhstan at the Permanent Council, I was asked how my trip had gone. And I said it was so great, it knocked my socks off. And the interpreter caused the audience to believe

that was meant to be I got knocked up – (laughter) – which was an extremely interesting feeling for someone of my age at the time. (Laughter.) You know, fodder – tabloid fodder.

Nevertheless, the spirit remained. And for the three-and-a-half years that the United States – that I was with the United States in Vienna at the OSCE, the United States delegation had nothing but an excellent working relationship with the Kazakh delegation. The sophistication and the competence and the ability were absolutely as sophisticated as that of any other delegation and certainly well beyond the sophistication and preparedness of certain other delegations that had been chairs themselves. And that has continued with your very distinguished and well-organized presentation in Geneva.

So I would say one doesn't have a problem or concern about your running of the organization. And what you have expressed this afternoon, your windows of opportunities, your respect for the three dimensions, your commitment to the ODIHR situation are all very good things to hear.

It is a little hard to be honest to say that when – and you remember Madrid and Evan Feigenbaum and your foreign minister and I sat in the cafeteria and we scribbled out all these commitments and then you all signed onto them. And you all haven't yet fulfilled the commitments that you agreed to in Madrid. And more recently, this gentleman, Mr. Zhovtis, who apparently has not had a fair trial – I think one of the commitments that a member of the OSCE needs to fulfill is that of appropriate rule of law – activity. And it would appear that in this recent situation, there is a problem with the proper application of rule of law.

I think that in your position as incoming chair and certainly as chair, you have got to go almost out of your way to be pure and to demonstrate your real commitment and not just mouth it. And I think many people would love to hear your response to my questions and my wondering. And I am sure you are able to do so. But I am glad you are here anyway. (Laughter.)

MR. BUGAJSKI: Thanks, Julie.

AMB. ABDRAKHMANOV: Thank you. Well, I know that my ambassador has some more substantial information with regard to – (inaudible) – case because he is already in direct contacts with relevant authorities of this country. I could also recall some other cases – (inaudible) – international community and human rights activists. I am sorry that I completely have forgotten to mention that we spent two excellent days with the Helsinki Commission. And we are very thankful for them for organizing a seminar to our delegation here. And yesterday we did – (inaudible) – roundtable discussions with some very important organizations here of humanitarian – (inaudible) – here in Washington and we learned from them, their concerns and these mentioned cases and many others. Some were also quite new for me. Some mentioned cases, okay, we will come back and try to find out what is going on.

Generally speaking, Yevgeny Zhovtis – I have many other – my distinguished compatriots, my comrades, my friends in Kazakhstan, activists – human right activists, journalists, representatives of media – whose contribution to our strife, as I mentioned, to the



democratic civil society is so much highly valued. On the other hand, there is so-called rule of law. I also observed with administration how there is a new – the ninth, as far as I understand, justice now and that her office in America really – it is something extraordinary for us. You see nine justice independent, appointed for life, as I understand. Well, we know what is to stand before justice here in America. We also are trying to – we have different systems.

But inevitably, we will come to a certain maturity to that extent. Today judges in Kazakhstan are highly paid civil – well, I probably will not be correct – are they civil servants? I don't know in Kazakhstan. But anyway, they are highly paid people from budget. Well, if average salary today was declared 70,000 tenge. It is \$500 in Kazakhstan. So they have minimum 10 times higher salary, which is one component.

On the other hand, of course, we inherited from Soviet times, so what kind of independence of branches of power was there? We all know about it. So how to provide today independence of judiciary system, independence of the judge from interference from the so-called – you will remember – telephone ruling – or some other things. So we should promote it. There are many quite well-known cases now – corruption, anti-corruption and other types of cases.

This particular case of well-known journalist, Esergepov, is also, I think, under scope of interest of certain organizations. So all have their own details, their own history. In Esergepov's case, I responded at the Permanent Council last week. We – (inaudible) – trial against some well-known local oligarch's tax evasion. What is tax evasion here in America?

How severely it could be – one could hardly survive probably after such kind of cases. So this journalist was involved from other side to this story. It was a disclosure of state secrets – probably all the really – (inaudible) – legislation is not perfect. Really we should remove that disclosure of state secret to some other – (inaudible) – responsibility purely to the relevant authorities. Probably we should also – and we are doing it – moving different libel from criminal code to administrative to other ones, so this also in process. So this is quite – today we have quite significant, I think, process of dialogue inside of our society to help improve this kind of legislation.

So if I may, I would just now ask Ambassador Erlan Idrissov just maybe to reflect on Yevgeny Zhovtis' case because you are here in American –

MS. FINLEY: You know, I have been hearing this now for four years. We are working on libel laws. We are working on rule of law. We are working. We are working. Now, we know Rome was not built in a day. But it got built sooner than the end of the century. And I think you all have got to really understand that you are the example for a year. You set the example for at least one year of the principles of the organization to which you have committed.

AMB. ABDRAKHMANOV: Not only one year. Eternally.

MS. FINLEY: In the chairmanship office.

MR. BUGAJSKI: Think they will make it permanent? (Laughter.)

MS. FINLEY: Let me also add, in this country when you evade your taxes, you go to a really nice prison with tennis courts and green grass and maybe a golf course. And you don't get sent like Mikhail Khodorkovsky was – (inaudible).

AMBASSADOR ERLAN IDRISOV: Thank you very much. I am very pleased to jump into a very lively exchange between two ambassadors in OSCE. And first of all, let me once again express our appreciation to the CSIS and IND for this very lively event and for the effort to bring together so many people who are sincerely interested in our chairmanship and generally in OSCE issues. Secondly, I would like to tell those who don't know that this delegation, which we have here at the table, unfortunately we don't have the names of the Kazakh participants from our delegation, but this is just a technical hitch.

We came here specifically as a joint effort between Kazakhstan and the United States, particularly the United States Helsinki Commission to discuss a broad agenda of OSCE. And this is a reflection of our joint desire to make sure that OSCE continue to flourish, develop and prosper and to make sure that our chairmanship in OSCE as efficient and as fruitful as one would wish it to be.

Therefore, I would like to express our satisfaction and our profound gratitude to our friends and partners in OSCE, in the Helsinki Commission of the United States. And we hope that this is not the last event. This is the start of a good start for our joint effort in the coming years not only of our – (inaudible) – years, but beyond.

We will continue to work with all partners in OSCE to make sure that this organization becomes even more efficient and productive. And as Ambassador Abdrakhmanov said, we are here and there not only for the chairmanship year. We have chosen to become a member of OSCE a long time ago. And we had a vision for our membership there. And we hope that year to year our membership will bear more tangible and beautiful fruits.

I, of course, would like to express my appreciation to Ambassador Finley. I heard a lot about you. I read many – I read many of your statements. I read many of your statements as ambassador to OSCE as the head of the mission there. So I know that you are a very powerful, very efficient diplomat. So I am very pleased to be at one panel today with you. And I know that you are extending your hospitality tomorrow to me and Kairat Abdrakhmanov, so I look forward to that. Let's have another long lunch, right? (Laughter.) To have our socks out, right? (Laughter.)

MS. FINLEY: (Inaudible.)

AMB. IDRISOV: To briefly address the issue of Yevgeny Zhovtis, I am afraid that I have become an official spokesman for the government on this case. First of all, we are very sorry that this has happened. First of all, we are very sorry that unfortunately, a human life was lost by accident, a very terrible accident. A man died. And very unfortunately, the car was driven by Yevgeny Zhovtis, who is our partner. He is a member, a very visible member and

respected member of our society. But unfortunately, once again – (inaudible) – to our great regret, deepest regret, this has happened. And we, of course, understand that this mishap has taken place in a very awkward time, in a very awkward time. And it has put us all in a very awkward situation. We have to get out of this situation with our faces up. As Chinese would say, we have to keep our faces in the situation. So let's try to make sure that we all keep our faces in the situation.

But the fact of life is that a man has died and you can do nothing about getting him back. And he is someone's brother. He is someone's son. He is someone's friend. He is someone's relative. Therefore, one should not ignore and completely forget about this very terrible fact of life. Secondly, I would like to remind all our friends here, particularly those who come from the Anglo-Saxon legal tradition, that Kazakhstan belongs to the continental law. And this law is based on the Roman law.

And continental law interprets these kinds of situations differently from the Anglo-Saxon law. By theory and practice of the continental law, lethal accidents hold responsible those who are seen as the cause of these accidents. The classic example – this is based on the concept of the ownership of the source of a potential lethal danger. In practice, it means that when you buy a car or when you sit to drive a car, you already take responsibility for a potential accident, particularly lethal accident.

A classic example from the Roman law is that if you are sitting in a room enjoying your nectars or other drinks and you have a potted flower on your window and the wind blows and the potted flower falls down and it kills someone outside on the street, you are still responsible for that. So this is a classic example. And one should clearly understand that the law is based on this conceptual principle.

The law further says that there may be situations that the responsibility can be commuted. This happens only in cases when there is no lethal end of the accident. If there was an injury – not serious injury, then the court can consider this as something, which may bring to the commutation of the eventual sentence. In no case, a person will be not sentenced to real term if there was a lethal end or severe injuries to a human being, the victim of the accident. So this is also an important aspect to be understood by those who observe the situation and add their voice to the situation.

Thirdly, I would like to draw attention to the speculations or allegations, I would say, really completely understand and completely respect all voices of concern, which we hear from the very first day. And we want to respond to them with all our sincerity. I have in front of me the latest text of the statement of the U.S. mission in the OSCE, where attention is focused unfortunately not on the fact of the loss of life of a human being, but on the judicial irregularities. I can tell you, as Ambassador Abdrakhmanov said, we are building a society and Ambassador Finley, you rightly said that we build, build, build and sometimes we have to build it, right? Eventually we have to build. I want to remind you that in terms of the historic comparison, it is only days that have passed for us doing an enormous job of building a society, whereas other societies were given a luxury of having years, decades and centuries to build the same values, to build the same institutions.

We do not claim and say that we are running away from our responsibility to continue to build. We continue to build. And, in fact, the fact of Kazakhstan's election as the chairman of OSCE is a recognition of what we have already achieved. But by saying this and appreciating this, we are absolutely alive that although a lot has been done, we still are aware and completely alive to the fact that a lot more is to be done. Therefore, we are doing this. We are completely alive to that.

Returning back to this case, I would like to say that if one who is particularly not familiar with these legal nuances, of course, who is not aware of the proceedings, who is not familiar with the facts and details. After reading this statement, he will interpret it as if the court in Kazakhstan has specifically done irregularities to make sure that Zhovtis is punished. I tell you that this is a wrong life to be cost on this very unfortunate accident.

Another aspect I wanted to add to you is the statistics. We have official statistics provided by the supreme court of Kazakhstan, which is verifiable and justifiable, which says that over the last six months in Kazakhstan, we had about 180 similar accidents, where people unwittingly are driving cars, killed other people. More than 75 percent of these cases have been tried with real sentences of imprisonment ranging from three- to 10-year terms. Less than 25 percent of these sentences of these cases have been tried with less severe punishments. But they were all real sentences and they were all real trials because, as I said, the law interprets the situations as I described to you.

We accept that there may have been irregularities and I once again stress and tell – confirm what Ambassador Abdrakhmanov said that if perfecting different walks of life in Kazakhstan is our huge responsibility and is an enormously difficult task. The law enforcement body, ensuring the rule of law, is our vision, is our guiding principle. We want to arrive there. But we are on the road there. This is to be clearly understood. We cannot boast of the ideal judicial system. We cannot boast of the ideal court system. We cannot boast of the ideal law enforcement bodies. We want to build the ideal institutions in those areas.

Therefore, we can accept that there may have been irregularities during the procedures. We want to make sure that these irregularities are addressed. There is an appellation process. And we hope that through this process, these irregularities will be addressed. But there should be no mistake in believing that if these irregularities are rectified that the term and sentence will be commuted. I explained to you the principle of the law. And this should be absolutely clear.

To conclude, I would like to tell you that since this issue has become a very kind of hot issue on the agenda of many people, of course, we, as a government, we are approached by the very senior people here in the U.S. to deal with the case. For that purpose, I have written an official letter to Assistant Secretary Blake explaining the situation, giving official statistics on the case and also giving a full original text of the ruling of the court, where issues of procedural irregularities are addressed and many other issues. Therefore, we are open.

We give this for your judgment. Consider the situation as you will. And we hope that we will get better understanding over this very unfortunate mishap. And I don't think this should

blur our vision towards what we discussed today. And we discussed today the broad issue of OSCE as an important security organization and a role, an important role of each and every player, including Kazakhstan, who is stepping in as the new chairman of the organization. Thank you very much.

MR. BUGAJSKI: Okay, thank you. Kairat wanted to say a few words. And I have a couple of very brief, hopefully, questions because I want to move on to our four panelists as well. I am sure this question is going to come up again.

AMB. ABDRAKHMANOV: Well, just a few words about the parliamentary assembly because, again, lack of time. The parliamentary assembly of the OSCE is really one of the most important institutions now. The MPs are bringing new quality, their know-how, their enormous experience in their political activity and especially during running the election campaign. So during our chairmanship, we hope that we will be able the parliament assembly of the OSCE also to contribute significantly to the promotional values of our organization. And we would like also to do our best, as our Greek colleague is doing now, to bring back the trust and respect to the relations between the parliamentary assembly and the ODIHR in particular. So we are looking forward to continuing cooperation in this sphere as well.

MR. BUGAJSKI: Okay, thank you very much. Please, if you could introduce yourself.

Q: Thank you, Ambassador, for your presentation. My name is – (inaudible) – Embassy of Moldova here in Washington, D.C. You mentioned about the human dimension and a security dimension of the policy, of course, all the three dimensions. And just two quick questions. What will be the policy or perhaps the continuation or change of the strategy and perhaps some actions already in plan or which will be conducted by the Kazakhstan chairmanship of the OSCE dealing with the separatist crisis?

And particularly in our case, we are interested in your ideas on the Transnistrian crisis in Moldova. And also, perhaps, Ambassador Finley since you are also here today, just your comments on the further U.S., perhaps, larger involvement in the OSCE five-plus-two international negotiation discussions on the resuming the talks to solve this conflict.

MR. BUGAJSKI: Maybe we will take a second question as well.

Q: Yuri Sigov, chief of Bureau Business People magazine. I would like to ask Mr. Abdrakhmanov about the energy angle of the policy of Kazakhstan for 2010 because energy will be one of the key issues. Even it is not in the least of priorities for the topics of discussion, but it still will be key issue, especially with transportation of resources from the Caspian region in Central Asia, where position of Kazakhstan is quite different from the position of many European countries and being a country as itself, keeping a position that, for example, they didn't sign in May Nabucco document. But at the same time, many countries in European Union are striving for this project, so it will be interesting to know how Kazakhstan will handle these two things.

MR. BUGAJSKI: Thank you very much. Ed Chow is going to be covering all of the energy issues. Ed, I don't know if you want to try and answer those questions.

AMB. ABDRAKHMANOV: So-called protracted conflicts are area of our particular interest – the chairmanship. What I can tell you is that we will not have any hesitation to deal with these conflicts. We will invest all possible efforts on every level, including level of the heads of state, taking into account the excellent relations existing between our countries, Kazakhstan and the participating states unfortunately involved into such kind of conflicts.

We do not have any kind of ambitious programs to that extent because if you have a look at any of these conflicts or zones, many participating states are heavily involved into the peace process. There is a process also in this Transnistria, so-called Transnistria conflict.

There was a meeting recently in Vienna, or in the suburbs of Vienna, devoted to this – regularly, there are meetings on different formats, you remember all these formats, so we have also Nagorno-Karabakh and some other conflict zones, and it is now maybe too – maybe it will be too much.

You see – already, on my behalf, to say that we will definitely reach certain level of solution in these conflict zones. But this is our agenda, it is there and soon the head of – the president, Nazarbayev, is going to pay a visit to one of such – of two countries involved into one of conflicts. Foreign ministry is going to pay visit, and during next year we will take it into our thorough consideration.

So – but definitely, we have in the auspices of the OEC commitments, principles of international law and norms which should be observed. Energy security, this is one of elements of the OEC activity to be developed further. Recently, early July if I am not mistaken, we did have a conference in Bratislava, a very important conference on energy security attended quite actively by many of participating states, so this is also in our agenda. As for – Nabucco was mentioned, and I could recall – remind you also of many other projects where Kazakhstan potentially could be involved, but we are very much open, transparent country in terms of our – and predictable one in terms of our energy policy.

With regard to Nabucco, you may know that we are not major player in this market of gas supply. What will be most effective way for our countries to export our energy resources, this will be chosen by our government and mostly by investors. Among investors, I just want to remind you, with more than 10 billion American dollars investments is the United States and American private companies.

MR. BUGAJSKI: Okay, thank you, Kairat. We have some good news, we have extra time. We can go until 3:00, so we haven't lost anything. I'm going to go straight to the panelists now.

MR. : I have a meeting at 3:00, so –

MR. BUGAJSKI: You do? Well, as long as – stay as long as you can, basically. Let's go straight to our four panelists, beginning with Julie. Julie Finley, I'm not going to introduce them other than to their affiliation or former affiliation. Julie, as everybody knows, former U.S. ambassador to OSCE; Martha Brill Olcott, Carnegie Endowment for International Peace; Edward Chow, Energy and National Security Program here at CSIS; and John Chicky, National Defense University. So Julie, we'll start with you.

MR. : I guess we started something. (Laughter.)

MS. FINLEY: I'll – let me address your question briefly, because I left off – as January 20<sup>th</sup>, I have not kept up with the 5-plus-2 talks, and I do not keep up with my government all that because the door is closed, the door is closed, okay. And believe it or not, there are life beyond previous positions, so – (laughter) – and very good lives, at that. I really wanted to get that earlier stuff off my chest. Ordinarily, being in the same room as Dr. Olcott, I would be scared to speak. So I would prefer not to say anymore; I think I've dug my hole.

MARTHA BRILL OLCOTT: You're not going to get deeper than you are. (Laughter.)

MS. FINLEY: All right, here's the shovel. (Chuckles.) But I do want to say, you know, one thing about the government of Kazakhstan that I think is important to remember. I have been, from Madrid, astounded and pleased by the – with the grace that the Kazakh government has accepted the many forced-upon offers of help that have been made to the government. And I can imagine other governments saying, who the heck do they think they are? We're a pretty darn good operation in our own right.

But the willingness of your government, the grace that you have exhibited and the willingness your government has exhibited by accepting these offers of guidance I hope have turned out for you – while you didn't need them, I hope they turn out to be helpful as you all do move along, and I hope there has not been offense taken, because nothing – I think the members, the 56 members of the OSCE want nothing more than your success in your chairmanship, just as the success of the Greek chairmanship, or any other chairmanship. And particularly at this time when you're undertaking the Corfu process and the – beginning this discussion of European, Eurasian security, we all have very, very good wishes for you.

Overall, I think you're trying to tackle some things that are going to be difficult because of the financial resources problem. I think the second-dimension area continues to be enormously difficult to deal with. The environmental concerns, maybe because the U.N. does – takes care of that so well, and the financial concerns. But I will stop there, and please, Dr. Olcott

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MS. OLCOTT: Dig away. (Chuckles.)

MS. FINLEY: – talk – (laughter).

MS. OLCOTT: Thank you, thank you. I do want to talk about the Zhovtis case, I'm really sorry, and I do want to talk about it in – I really fear that the tragedies of Yevgeniy Zhovtis

– and Kanat Moldabayev, because Ambassador Idrissov is right, I mean, somebody has lost their life here, and that is really a tragedy. He’s a person with a name. You know, we talk about – I mean, that’s why – his name is Kanat Moldabayev, he has a family, that loss will never be filled. But I fear that this tragedy, the tragedy of both these men is going to become the tragedy of the Kazakh chairmanship, and that’s really why I decided that I really want to talk about this today, because really what I want to say is things that I’d like my Kazakh colleagues to reflect on.

This case, this whole situation for the last four weeks now, six weeks, has been one of the most disturbing things that I’ve had personally in many, many years. It’s terrible – I mean, I’ve spent my whole life, as you all know, working in Kazakhstan and in Central Asia, and nothing is more tragic than a situation where you encounter good people on all sides of a question and people that you know on all sides of this issue that are unhappy and suffering from the situation. All in different degrees, but there’s nothing easy about this, and we shouldn’t forget that there’s absolutely nothing easy about this.

I think – and to echo what Ambassador Finley said, the Kazakh government and elite on all levels have made an enormous effort to get – both to get the chairmanship and now to try and make the chairmanship work. They are working hard, as other people have said, to prepare diplomats for the task they face, I mean, and take it really seriously.

We’ve seen some – one of the excellent diplomatic team that they are putting forward here with Ambassador Abdrakhmanov, and there are many others that are working really hard. And they have begun to move towards meeting some of the commitments to reform that they did talk about in Madrid. So it’s an uneven picture, but there have been – I mean, I’ve been writing my reissue of “Kazakhstan: Unfulfilled Promise”. There really have been some movements forward.

So it’s not a wholly even picture, okay. But all this notwithstanding, the case of Yevgeniy Zhovtis is not going to go away while he continues to serve a 4-year sentence for criminally negligent homicide. I’m not an expert on continental law and Napoleonic law, but I have worked with the Kazakh leadership and read about it for years, and I have re-experienced it in the last month. So I think I understand what kind of discretion the court has. I don’t want to minimize the tragedy of Kanat Moldabayev’s death, regardless of what punishment Zhovtis gets – and he has to, by Kazakh law, be found guilty. He doesn’t have to sit in jail, but he does have to be found guilty, there’s no question about that. Regardless of the punishment he gets, he will punish himself the rest of his life.

You cannot take a human life and not feel guilty about it for the rest of your own life, and all of us who know Zhovtis know that he will feel it personally. All of us who are drivers, as I think most of us are, know the most terrifying thing we face when we drive a car is the risk that we may, not do damage to ourselves, but accidentally damage a passenger or somebody else on the road. There is no minimizing it, and the question of what our legal responsibility is, and it varies from state-to-state in the U.S., is really not the issue. He has legal responsibility, but he will never be the same person from what he has done.



For me, the question, though, is whether Kazakhstan has met all its obligations to the international community in the handling of this case up to now and what they will do in the future. I mean, we've heard hopeful things of what may happen, but I would argue that up until now they have not met their obligations as a country that's on the eve of its chairmanship of the OSCE, the first post-Soviet country to have this historic opportunity of which Ambassador Abdrakhmanov spoke. I feel that sadly, they have not.

What would I understand their obligations to be? Let me explain this. I would say that the obligations in the case of Zhovtis, where you have an internationally respected human rights advocate who is going before the Kazakh judiciary and legal system, which for the last nearly 20 years he has criticized, poses a particular obligation on the part of a government. He faced what you have all said yourselves, a partially reformed legal system which he – which Zhovtis has spent the last nearly 20 years engaged with the government, interlocutors, in trying to reform. I mean, you're not talking about somebody who is an outside-of-the-regime, opposition figure. You're talking about somebody that the government has directly engaged with.

And where the Kazakh authorities have made – and we shouldn't minimize the reforms that have been made in the Kazakh judiciary. They are significant. But at the same time, as Ambassador Idrissof said, it remains a system which is not fully reformed. So in my opinion, it was incumbent on the Kazakh government, as the next chairman as the OSCE, to do more than simply assure us that the Zhovtis conviction was not political and not ordered from above. What should have been ordered from above is that there had to be an extraordinary observation of law in this case. That, in my mind, is what should have been ordered from above, and maybe it was.

AMB. IDRISOV: May I respond directly, straightly?

MS. OLCOTT: Mm-hmm.

AMB. IDRISOV: You offered your very valuable words. Let me respond frankly and straightforwardly to three main points you made. First of all, you said that – of course, we all know I know Yevgeniy very well. We sat through many panels together. I respect him, he respects me. And you said that – and we are all understand, God forbid that we end up in these situations – (inaudible) – I wouldn't be – (inaudible). But you said that Yevgeniy will change and he will be feeling guilty, will feel guilty. Of course, the fact is that in the court, he didn't feel guilty.

MS. OLCOTT: That's different than what – I'm saying the feeling that –

AMB. IDRISOV: You, please –

MS. OLCOTT: Okay, I didn't finish what I was saying, though. I mean, I didn't finish to the end of my remarks. Do you want to let me get to the end of my remarks?

AMB. IDRISOV: Yes, please. I thought you finished. I'm sorry, sorry.

MS. OLCOTT: No, I mean, if you want to get the end of the remarks – for me, that was the point, that what should have been ordered from above was the question of the vigilance of the court and understanding that Zhovtis was potentially a likely victim of the court, as anybody – like when you try anybody who has criticized the legal system because potentially at more risk from that system.

AMB. IDRISOV: Not in Kazakhstan, believe me.

MS. OLCOTT: I honestly believe that in any place – we may disagree on – let us agree that we will disagree on that. That any court has enormous discretion, and that's the next set of points that I was going to make. That the Kazakh court and the judge had enormous discretion in this case. He had a whole range of punishments that could have been given to Zhovtis, and in your letter, which I did read really carefully, and the statistics you provide – which you were given, obviously you didn't do all the research yourself – the one statistic that's missing is the distribution of sentences based on people who were not found to be drunk or did not exceed the speed limit. So we have a statistical curb, but we don't break it down in people that are in the same category that he was in.

I mean, but even your statistics show that they had a range of punishments that they could have given him. I mean, that's clear in your letter, and they made that decision. So that's the first thing. So to me, I would have asked for a different level about being upset about being stuck in this position, because you guys are stuck in a bad position, there's no question about it. And that's what I meant by feeling guilty – I wasn't saying he should confess guilt or not confess guilt, that as a human being you're not going to disappear from this. But it's not the decision – there was a range of decisions, they took one, okay?

That's – and the other thing that I want to say – I have two more things I want to say before I finish – that there is both a range of decision and there's a lot, a great deal of information which I assume is going to come out in the appeals process. And anybody who's interested, the committee to defend Zhovtis has a wonderful Web site in Russian with about six pages of documentation on it. And so I think that that is a really – something that other people interested – and some of it is in English. I said the thing about the statistics.

I want to say, on a positive note – I mean, I think that this case is going to continue to cast a shadow, and that's why I'm so upset about it. On the positive note, the case is creating real debate in Kazakhstan, and I do ask – I mean, anybody that reads Russian should go on the web and see the kind of debate. Even with the new Internet law and a lot of questions being taken away by moderators, there's a lot of debate, and for that I give enormous credit.

This is a divisive issue, and it's an issue that's being discussed extensively in Kazakhstan, and a lot of – some things are being written for what the government did, but a lot of very critical things are being written about it, and I think that's very important to note. Not that people are writing critical things, but that they're putting it and getting it posted on the web and doing this in Kazakhstan.

Second, on the more negative side, I feel strongly that this is hurting the image of the government inside the country. It is hurting it in Russian language prostranstvo (ph). I mean, the Russian press has had a good time with this, a really good time with this. If you think that the English-language press is doing you in, the Russian-language press is laughing at the Kazakhs, and that is really sad. I mean, they're talking about the way in which this will damage the Kazakh presidency and kind of chortling about it, which I think – I find really disturbing.

I comment – I mean, I send you to the piece from Len Tereu (ph) called “A Gift to the White House”. I mean, and there's just no shortage of these kinds of things. So I think that this is a cloud that is not going to exist simply here in the U.S. but is going to exist in other places. And fortunately, at least in theory – and we will see what happens in the appellate process – but I hope that the appellate process becomes one in which all sides feel satisfied that there has been, under the fullness of Kazakh law, the ability of the defense to have their say and feel that there is a punishment that reflects the crime in law and also the circumstances that yes, he killed someone, there's no question about it, but he wasn't drunk and he wasn't speeding.

And so the question of negligent homicide – you know, that's why your legal system creates a range of punishments, because negligent homicide exists in many, many forms, as the statistics you've shared with us show us. I'm sorry to belabor this, but it's –

MR. BUGAJSKI: Thank you, Martha. In fairness to our other panelists, I'd like them to speak first, and then we'll, I'm sure, be coming back to these questions. Ambassador, you can say more, I'm sure there will be other people as well.

AMB. IDRISOV: (Inaudible) – point by point.

MR. BUGAJSKI: Are you sure? Okay. Okay, go ahead then.

AMB. IDRISOV: Thank you very much for all your frankness, and I simply wanted to respond straightforwardly to your points so that there is no mistake and confusion here. And it is important, yes. You threw a ball that this is a key issue for our chairmanship. You painted it like that. At least, I understood from your words that this is a very key issue to our chairmanship, therefore I am responding to you through my understanding and take of your question.

First of all, I said that just a response, textual response to what you said, that Yevgeniy feels himself guilty, and that will change before – he is not – I don't have any doubts about that, but publicly in the court, in front of the public, when he was asked whether he feels himself guilty, he said, I am not guilty. Well, I listen to you, Martha, and you please listen to me. I give you the facts. It's not – let people judge, let people judge. You gave your fact, I give you my fact. That's a fact which is recorded and which is part of whether we – which is taken into consideration by the judges when they were considering the case.

Secondly, you talk about the reform of the judicial system. Absolutely correct, but because we are growing, because we are reforming is not the reason to put to doubt the credibility of that system. If we follow you, then any decision by this court system, any decision

by this administration is lawful (ph). Oh, no, you say – it's, you say, the ruling was done by a court which is under reform.

But it doesn't mean that any decision of this court should be put to doubt, and I – we accept that the system is not perfect, but this is a functioning system. This is a functioning system, we are perfecting it. I don't think that you think that your judicial system is ideal. You also try to perfect it, and we are witnesses of that, but it doesn't mean that one should go and put to doubt the credibility of that system, because it is under perfection. It is a wrong concept, it is a mistaken concept.

Secondly – thirdly, there is an order from above. There is an order from above to make sure that everything is done meticulously –

MS. OLCOTT: That's great, that's what I was saying –

AMB. IDRISOV: You had doubt about that. You said, I wish there is. And I tell you, in the sentence you structured, you say, I wish there is, it means that you have a lot of doubt about that. And I tell you as the presenter of the government that there was an order from the very top to make sure that everything is done in an absolutely meticulous way, because we are being scrutinized. I tell you one thing – you didn't listen to me attentively, I told you, by the principle of law, if there is a lethal end of the accident, there is no way of a person, he would – all these cases, they were not drunk, they were behaving perfectly, they were observing the rules, et cetera, et cetera.

It is the concept of the law, if you kill someone, you get the term. That's the law. And those cases, 25 percent who got less – (inaudible) – it was not a lethal case. It was injury, but not severe injury. So you can go and dig the statistics further, but those with little – and everyone is sentenced. I gave you the lengths of the terms, three to 10 years. Zhovtis could – if the circumstances were different, he could get fifteen years if he was drunk or if he was absolutely negligent on the road, et cetera, et cetera.

So this is the principle of the law, I made it absolutely clear. There is no way of not getting a term when you killed someone. I am very sorry about that, I am very sorry about that, and we are all very sorry about that, but the law – and there was also a speculation that cases like that can be resolved amicably between the victim and the cause of the victim, and there was speculation that the family is not for the trial of Yevgeniy Zhovtis. This is also misleading, wrongful information which has been spread by external observers.

The true fact is that yes, he – Yevgeniy Zhovtis was very remorseful. He acted absolutely generously, and he offered the compensation. We all know this and the court knows this, everybody knows this, but the fact of life is that it is only mother and two sisters, I think, that they said, okay, we don't have anything – we are not interested in the court., but the other part of the family, the other part of the relative, they insisted on the court ruling. That – and this fact is not told to anyone.

And when you read the statements, it means – it is seen as if the family is not against Zhovtis – irregularities are in abundance and the government is telling the court to go and punish Yevgeniy Zhovtis because he was a human-rights activist. This is a wrong perception, forgive me. This is a wrong – we are not against raising this case, but we are against raising this case in a skewed positioning of this case, in a wrongful positioning of this case. Let's face the facts as they are and not – and let's be neutral in making our judgments and help other people to make their fair judgments, not to encourage them to make their biased judgments in these situations. And unfortunately, this kind of state, they do.

Another important thing: It is a mistake to link this with our chairmanship. It is completely a mistake, because if you draw these lines, if you draw these parallels, then the whole concept of building a rule of law is worthless. We are building a rule of law, yes, it is true, but when you say that you have to do in this particular case something special because he is a human activist, because he is a public figure, it's the wrong message to ask as a young society. What to do with other 179 cases when people were sentenced? No irregularities there doesn't mean anything? Strong punishment doesn't mean anything? Why, because they are worthless people, valueless people? No, it's wrong.

And another point I want to make: If we had this situation in any Western society, or here, for example, if a prominent public figure unfortunately will run down someone to death, and if that will be taken and pressurized as the reason for the court to be especially attentive, et cetera, et cetera, that will be taken as – by a public outrage here. And we know all this. Why in our society it is allowed to molest our court system and put to doubt its credibility? We accept it is not perfect, yes, but it is not the reason to put to doubt its credibility, because it is a functioning system. It is a functioning system of a functioning state, and this should be absolutely clear –

MARGARITA ASSENOVA: I'm sorry, can I – I just want to say one thing, because –

AMB. IDRISOV: No, because it has become – I'm sorry, Margarita, for all of the three days we here, we want to make our case – our point clear. We know the importance of the case, we know the importance of the situation. What we see is appellation process –

MS. ASSENOVA: I want to make a point that for the future –

AMB. IDRISOV: – and we hope that through this appellation process, things will straighten out. That is the message.

MS. ASSENOVA: This is not an easy case, we all agreed –

MR. BUGAJSKI: Short comment and then back to Martha.

MS. ASSENOVA: All high profile cases are different in every country. There was a case, similar case in Bulgaria when the world champion of figure-skating was sentenced on suspension, and that caused outrage too. Question is, when judicial system is in transition, it's easy to perceive that the government is mandating how the courts are going to decide. That

makes the case to faster introduce the jury trial in criminal cases in Kazakhstan, as it is already in civil cases. Having a jury decide - the way it is in the United States - would distribute the responsibility for the decision from the head of the judge to the members of the jury, and that makes the case to faster move ahead with the full reform of the judicial system. And I will leave it here, because it's a very difficult debate, but we have two more panelists, and let's continue with them, thank you.

MR. BUGAJSKI: Martha, do you have any more? Yeah.

MS. OLCOTT: I just have – really quick. I think – I want to say three fast things. One – I fully believe you that from the very top they asked for as clean as clean can be, then you guys made a big public relations mistake by not making that really public because – that's the first comment.

Secondly, by saying – I was not implying he got an unfair treatment because he was a human rights activist. What I was saying is that there are – in any system, no matter how developed – and it becomes more of a problem in a system where you criticize the courts – the question of how you ensure somebody fair treatment becomes key. You said that the government did it by creating orders from above; that they wanted this to be super clean – that's what you guys should have publicized.

Secondly, the question of the court itself and its discretion, there is discretion on sentencing and whether people can be paroled afterwards or how many years, and that's part of what's out there.

Thirdly and finally, I'm not saying this is the issue that defines the chairmanship. Why I used the phrase "the tragedy," is I fear it will cast a shadow on the chairmanship, and that, in my mind, is tragic.

So in my mind – and it is a friendly debate because in my mind, that would be the greatest tragedy of all – that the death of this man – with a name, you know – Kanat Moldabayev – should become an event through an unfortunate set of circumstances that casts out. But the world of publicity is a world that doesn't follow, you know, the complexities of all the work you've done. And that's why I hope that the next set of appeals will produce a solution that quiets critics and that gets closure of something that otherwise won't get closure – because it's just going to be very hard for a topic that's so juicy to go away.

AMB. IDRISOV: Martha, I take everything – (inaudible, off mike).

MR. BUGAJSKI: Okay, let's stop there. Now, for something completely different, we have – (laughter) – Ed Chow on energy.

EDWARD CHOW: Well, that's a difficult transition to make – (laughter) – from a really serious tragedy, all parties concerned, to something as mundane as energy security.

Luckily, I came mainly to listen to the ambassador and the other distinguished Kazakh representatives on what Kazakhstan has in mind for its OSCE agenda for 2010 in the economic and energy spheres.

I'm personally not really aware of much of a contribution that the OSCE has ever made in the economic sphere, as opposed to its body of work that is quite well-known on either security policy or building of democratic institutions.

As some of you know, my own expertise is in the energy sector, which has suffered through an unprecedented and extreme, volatile period in the past 2 years that has hurt both consuming countries but also producing countries, as well. So it's been very fashionable for political leaders to talk a lot about energy security, recently. No one seemed to want to do much about it, but they liked to talk about it.

As far as I'm aware – and just as an example – President Medvedev made a proposal in April on international energy cooperation. I'm not aware of any considered or substantive response on the part of other countries to his very detailed proposal. Perhaps the Russian embassy colleagues here can correct me if I'm wrong. And this lack of response includes the recent G-8 summit in Italy.

Energy security is an issue that doesn't have a natural institutional home at this point. There seems to be lots of common interests – we've certainly already mentioned price volatility is something of concern to both producing countries as well as consuming countries. Investment protection and the pace and scale of the vast investments that are required in this sector is of joint concern.

Certainly, consuming countries are worried about supply security, but producing countries are also worried about market access, transit issues, as well as the global responsibility to think about a transition to a low-carbon economy, and the significant role that oil and gas supply will continue to play in the next 20, 30 years, even as we transition to a low-carbon economy.

It seems to be that Kazakhstan has a unique contribution that it can make in this dialogue. It is, as I've said before, a major producer already of oil and gas. It is also a major transit provider now – both Turkmen gas, for example, to Russia to China; beginning next year perhaps. It is also a country that has to rely on transit and the security of transit to get its own oil and gas to market; whether it's through Russia, or more recently across the Caspian into the Baku-Tbilisi-Ceyhan pipeline.

If it chooses, Kazakhstan can make a unique contribution, as I said. But in order to do this, it needs to seriously prepare; it needs to focus an approach that will lead to follow-up action on the part of the OSCE. We've had, in the international arena, enough vague promises and pronouncements of broad principles that have had very little real impact.

So, as I heard the ambassador that there would be follow-up work, and including some that this group hopes to participate in in October, I believe, as well as the follow up to the

Bratislavan meeting that Ambassador mentioned, but it really needs to be a focused, well-prepared approach for it to bear fruit during the 2010 OSCE chairmanship. Otherwise, it will yet again be a waste of time, and waste of effort and opportunity, and perhaps that effort can be better spent in other arenas if the participants are not serious. With that, thank you very much.

MR. BUGAJSKI: Thanks very much, Ed. We'll go straight to our fourth panelist, who's been waiting patiently. We've finally got Jon Chicky from National Defense University and he's going to talk about the security dimension.

COL. JON CHICKY: Thank you, Janusz. First of all, I want to thank CSIS and IND for inviting me here today. Before I get started, I need to lay out the standard caveat for someone in my position; that the remarks I make are my own, and don't necessarily reflect those of National Defense University, the Department of Defense or the United States government.

What I want to do today is, in a very brief manner, sketch out a few items regarding the political-military dimension of the OSCE – some of which have already been talked about, so I'll briefly skip over some of these items like energy security.

What I want to do is lay out for you kind of an overview of what is the political-military dimension. There's a lot of discussion – we heard a lot today – about the human dimension and that gets attention over the past few years – at least in my opinion, garnered a lot of attention about what the OSCE does – but the political-military dimension does do a lot of things. And it's, I think, useful to talk about what it is that gets accomplished through the OSCE.

Then I want to quickly talk about, I think, some key agenda items for Kazakhstan; either something that they should choose or will be chosen for them based upon events within the OSCE region. And then, very, very quick comments about the European security treaty process.

In terms of the political-military dimension of the OSCE, these are the type of things that are worked on: arms control; border management; combating terrorism through conflict prevention, crisis management and early warning; conflict prevention and post-conflict rehabilitation; military reforming; and policing.

There are several documents out there which the OSCE has put out which covers a lot of these areas: the Vienna document, which covers confidence and security-building measures. And this is an important document because – given the fact that the current CFE regime has been weakened by one of its state's parties, or its own unilateral suspension of its compliance to that treaty – the Vienna document is one mechanism; not an arms control treaty. It's not legally binding, but is a way to enhance military transparency of other states' parties within the OSCE region.

There is the 1994 code of conduct on the political-military aspects of security; there's a convention on small arms and light weapons; there's an agreement on stockpiles of conventional ammunition; and a myriad of other documents within the political-military realm.



Also within the political-military dimension, you have several forums that take place to discuss these issues. You have the plenary session of the forum on security and cooperation; you have the annual security review conference; and you have the annual implementation and assessment meeting that looks over the conduct and the review of the processes involved in the Vienna document and the code of conduct.

So what's the importance of all this? There's a lot of activity that the OSCE does in the political-military dimension, and in many cases, it would be next to impossible to replicate if it, for some reason, were to go away.

That being said, there's much work that still needs to be done in terms of reviewing, assessing, adapting and improving these structures and procedures. The recent war and the continuing situation of "no peace, no war," in the Caucasus indicates that conventional, interstate military conflict in the OSCE region is not a thing of the past despite the intense focus since 2001 on terrorism and irregular warfare and/or insurgencies. It's critical to note that for the OSCE to be successful in implementing the myriad of charters and agreements in the political-military dimension, there has to be political will from all capitals.

All right, so where are the areas that I think Kazakhstan should focus on? I laid out three: soft security aspects for Central Asia; the protracted conflicts for primarily Georgia and Moldova; and a third one, energy security. I won't touch energy security; it's already been discussed a little bit prior to me.

Regarding Central Asia: It is my opinion, in terms of my own personal work in the hard security aspect of this region since 9/11 that there's been a lot of focus on security from outside powers, but, mainly, focus on their own interests.

That is, the United States focuses on Central Asia because it needs to get to Afghanistan; Russia focuses on Central Asia because it wants to have a security buffer from external threats; China focuses on Central Asia because it wants to have a security buffer from threats that may fall in around both separatism, terrorism and extremism. But there needs to be a focus on Central Asian security, Central Asian issues, on behalf of Central Asia. And I think in this case, Kazakhstan could play a role in its CIO position for that. Water issues, narcotics, border security and all types of illicit trafficking are all areas that could be focused on.

And I want to emphasize the water area. From my assessment, water is probably one of the most important issues, or one of the most important potential causes of interstate conflict, in Central Asia. Now, this is an issue that has been ongoing for many years since the independence of the Central Asian states. And many organizations in many fora have been involved in trying to figure out how to work this out. But I do believe that Kazakhstan could play a role through its CIO position and increase focus on the water issue.

It comes with both opportunities and challenges. The opportunity for Kazakhstan is that it possesses the interests, the passions and the expertise to bring this issue to the OSCE, plus the convening authority that the CIO has. The challenge is the fact that it has to do this in a manner that other regional states don't see Kazakhstan trying to take advantage of its CIO position to

shape an outcome, a process that is favorable to Kazakhstan and detrimental to the other regional states.

In terms of the protracted conflicts, Georgia stands out as first and foremost that needs attention. It was my understanding that the Greek chairmanship wants to open an office in Tbilisi to facilitate the OSCE's participation in the EU's incident response and prevention mechanisms that are ongoing right now regarding South Ossetia and Abkhazia. I personally believe that there needs to be renewed effort in getting the OSCE mission itself re-established in Georgia. There is no reason why the OSCE should not be operating in Georgia.

This may take the personal involvement of President Nazarbayev to make this happen because there are other parties within the OSCE region who, for some reason, do not feel has the OSCE has the need or right to be operating in Georgia. There is an ongoing conflict; people are dying on almost a daily basis. The mission did other things besides conflict prevention and conflict resolution. It provided other services to Georgia. And that mission should be re-established. As far as Moldova goes, I think the 5-plus-2 process should be reignited once the Moldovan government is set, and I believe the EU is ready to participate in the five-plus-two with renewed vigor and I encourage Kazakhstan to do so as well.

Okay, so last item here is on some very quick points on the European Security Treaty itself. This item will really try and assess the political and military dimension and gets to all three dimensions. There was discussion about holding a summit in Helsinki during the Kazakh CIO period to determine whether or not – how to move forward having a treaty, whatever comes out of the so-called Corfu process. The key factor is that Kazakhstan, as the CIO, should be an impartial facilitator. It also should be careful and cautious regarding changes and reforms that are needed.

And there are changes and reforms that are needed. There are clearly areas within the political and military dimension that need work. There are areas within the European security architecture that do need adjustment. The war in Georgia proved that there is a system failure here in terms of conflict prevention, conflict response and post-conflict resolution that needs to be looked at. Whether or not a European Security Treaty is the right answer, that's another story – that you could have a whole conference in and of itself. But I do believe, though, that a cautious approach to this needs to take place.

What I am personally uncomfortable about is that the words that have been used to explain the European Security Treaty architecture, that have been laid out by the president of Russia and the foreign minister at this year's annual security review conference are somewhat contradictory to actions that are also taking place by the Russian Federation, particularly towards CFE, which is a legally binding document that Russia has suspended unilaterally in terms of actions in Georgia. So these need to be factored in as we review the European Security Treaty process. So this is where I'll leave it and I'll look forward to your questions, thank you.

MR. BUGAJSKI: Thanks very much, Jon – a lot of food for thought. We'll open up now to questions, particularly on these two issues – security and economic synergy. Margarita?

MS. ASSENOVA: Jon, it's a question to you, talking about restoring the OSCE presence in Georgia. With access to Abkhazia and South Ossetia – that's the meaning of restoring mission to Georgia – how practically this can be done under Kazakh or any other chairmanship?

COL. CHICKY: That's the \$64,000 question. Is it needed? Yes. Is it practical? It depends on how much personal investment the leadership of Kazakhstan wants to place in trying to pursue this. It's going to be difficult. Clearly, to talk openly here, the Russian Federation did not approve of the work by the Greek chairmanship to try to have a status-neutral approach to the mission in Georgia. And the mission ended here at the end of June. There are no independent military monitors operating inside South Ossetia.

The mission, which did other things besides military – political-military dimension aspects – is closed. And you have two countries who are both members of the OSCE who have military forces in close proximity. There is a European Union element there over – monitoring on one side of this line of contact. So I think there is a need to have this mission re-established. There is a need to have independent military or civilian observers operating inside South Ossetia.

It's for the benefit of the South Ossetians, the benefit of the Russians, the benefit of the Georgians, to do so. Whether this is going to be feasible to be accomplished during the chairmanship of Kazakhstan, I'm not sure. I'm somewhat pessimistic about this, but I think it needs to be addressed.

MR. BUGAJSKI: Okay, anybody else? Actually, let me ask you, Jon, in terms of maybe a follow-up to this, do you think Kazakhstan, during its chairmanship next year, could try and initiate some kind of a security dialogue specific on the Caucasus, rather than talking about these grand schemes of, you know, restructuring, reformulating the European security architecture, whatever that means – I think there's something else behind it – but really focusing on an area where there is a crisis, where there is conflict – not in Europe, where there isn't, but in the Caucasus – the Caucasian part of Europe, where there is? I mean, is there something the Kazakhstan could initiate in this area in addition to, I mean, maybe that would be the main focus, to bring back the OSCE mission in some form throughout Georgia?

COL. CHICKY: Gosh, I think it would be a good opportunity for Kazakhstan to try. You know, if I remember correctly, in the very early stages in the Nagorno-Karabakh conflict, President Nazarbayev tried to get involved in that and reconcile the differences between the Azerbaijanis and the Armenians. If there's any leader in Eurasia or the former Soviet space that has the stature and the gravitas to engage with these countries, whether it be Russia, Georgia, Armenia, Azerbaijan, it is President Nazarbayev. But it will take his personal involvement to make this happen.

There are many aspects of the political-military dimension in the OSCE that could be utilized, either reinvigorated or just utilized, that would create the basis for a process in the Caucasus. But it won't be easy. It will be opposition from external states. But I think as something, as opposed to a macro-European security architecture redesign or design, something more locally focused would be better.

MS. OLCOTT: I want to take on the water issue. I think that the Caucasus and Kazakhstan could accomplish something through President Nazarbayev's intervention, that would be fantastic. But I think the water issue would be a real mistake for the OSCE chairmanship because I think Kazakhstan is already engaged in some of the other fora – I mean, in the U.N. fora, the Aral Sea Summit, you know, did make movement. And so I think that it would be taking away part of the focus of Kazakh activities in other areas to mix the agendas.

And I think that, that's been an issue, you know, in our grouping, that there's not enough of a realization of how many other arenas water discussions are going on. I mean, it's really important that, in the chairmanship, that the Kazakhs don't diminish their other activities on other fora. With security questions because they're part of the CSTO and the Shanghai Cooperation Organization, they bring more power to the table. But in the water issue, it just seems, to me, to be diluting some of Kazakhstan's influence, which is considerable in other settings on that very issue.

AMB. IDRISOV: Question to Ambassador Finley and Ed Chow on energy. Of course, we all know that energy is important for Eurasia and it has so many angles and dimensions – pipelines, markets, et cetera, et cetera. Ambassador, with your hindsight, with your experience in OSCE in energy area and Ed, from your energy background point of view, what is realistically achievable in energy security by the OSCE in our chairmanship or any other chairmanship, whether it is – and we have plenty of institutions which deal with energy issues. What is your view?

MS. FINLEY: I've always – I did not see, in 3.5 years, the possibility that the OSCE could be meaningful in the energy area. And I quite agree with Dr. Olcott's suggestion that the military aspects of this, you are preeminently qualified, I think, to play a role in that; the problem has been stated, in my view. It does not change.

The U.N., other organizations, you and your neighboring countries, are all involved in projects – energy projects – that are so much better-funded and so much more completely human-resourced than the OSCE can begin to match. That I would say that the use of the OSCE with regard to energy remains – or should remain – that of the work of diplomacy, which is supporting and encouraging other governments as you use such a forum.

MR. CHOW: Mr. Ambassador, I think part of the point I was trying to make was that Kazakhstan should explore and decide whether energy security should be part of the agenda you would be pushing during your chairmanship, or not, and not to just use the slogan without any substance behind it, because that might divert your energy and efforts on – to focus on areas that there would be more productive work to be done.

I think we need to recognize that part of President Medvedev's proposal is to say that Russia will never ratify the energy charter treaty. And therefore, if one looks to that treaty, which I don't think Europe has quite, fully accepted this acknowledgment or confirmation on Russia's part – that if one were to look at that treaty to provide some transit protection, that one might want to find some other mechanisms that would both serve countries in the region in moving forward.

I think the cross-Caspian oil and gas transit is one of these multilateral issues that has an international impact that someone may want to take a look at. But I'm not personally convinced that this is something that you ought to be devoting a lot of energy on. I would like a change to participate in discussion as to whether that – to explore the possibilities and discard it if it doesn't have good potential – but not just to say we want to talk about energy security because everyone else is talking about energy security and this international body must also have energy security as part of its agenda items.

MS. ASSENOVA: Just one remark: The recent energy security dialogue forum within OSCE, that I believe that it's going to continue working. So what would be Kazakhstan's contribution to continuing this dialogue is more of a question.

MR. BUGAJSKI: Let me just say that our two ambassadors have to leave in two minutes. Somebody with a question – is it very brief? Go ahead then, please.

Q: (Off mike.)

MR. BUGAJSKI: Do you want to respond?

MS. FINLEY: Yeah.

MR. BUGAJSKI: Who wants to respond? (Laughter.) Julie, you always want to respond.

MS. FINLEY: That's my response! Yeah! Why not?

MR. BUGAJSKI: Let me ask Kairat a very last question. As you distill your priorities for the OSCE chairmanship, when do you think you will have some sort of framework ready, of priorities of what you would like to accomplish, what you would like to focus on?

AMB. ABDRAKHMANOV: Well, thank you very much. For this question, it's in progress. We have – this is a quite responsible duty to shape our priorities for the chairmanship. Traditionally, we present, in our case, the secretary of state – the minister of foreign affairs of Kazakhstan to present it during the inaugural session of the PC of the OSCE in the mid-January, next year.

I can't exclude that before this date, our head of state to highlight certain aspects of possible priorities during his public appearances.

I'm very, very sorry because we are leaving now, with the ambassador. So just to take this chance to say thanks to distinguished speakers for your really, very deep knowledge about the situation and issues discussed. I don't want you to leave with the impression that the OSCE is not managing to cope with many mentioned issues, challenges. Last night, I enjoyed a performance at the theater in the Kennedy Center and it was the quotation – either quotation or it

was on behalf of one of heroes, and it was the following: “Who is your husband? He is a diplomat. He is doing nothing.”

So the OSCE is doing a lot and contributing a lot into the dynamic of economic and other dimensions of the world development, at least in this vast area from Vancouver to Vladivostok. With regard to security dialogue, I remind you that Americans have this so-called – with regard to the CFE – so-called “parallel action plan.” Our Russian colleagues and partners, they move forward, sort of – (inaudible) – how to strengthen the viability of the CFE and sort of, a way forward.

So there are many ideas. There is a process, there is a dialogue. And the OSCE, it is really this splendid platform for dialogue, and this is what we are going to promote further without, again, any hesitation to tackle upon all these very really acute contemporary issues. Thank you.

MR. BUGJSKI: Okay, thank you very much, Kairat, and thank you, Ambassador Idrissov. Last word?

AMB. IDRISOV: Yeah, no, one last word quickly. Just the question of the announcement of the priorities, I think this is a very good opportunity for us to have a very open and friendly exchange. I guess after my – (inaudible, off mike) – or in Vienna announced that – (inaudible) – will have similar kind of discussions. Here in Washington, D.C., we have CSIS and IND – (inaudible) – and the Press Club, so, let’s – I think that January, we’ll have some – (audio break).

MR. BUGAJSKI: Okay, thank you all for coming and watch this space. We’ll be back.

(END)