

Remarks by Lorne Craner
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Kazakhstan and the OSCE Human Dimension
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Good afternoon, everyone, and thank you for coming here today to discuss Kazakhstan's forthcoming Organization for Security and Co-operation in Europe (OSCE) chairmanship. I am Lorne Craner, and I serve as President of the International Republican Institute (IRI). Founded in 1983, IRI is a nonprofit dedicated to advancing democracy and good governance worldwide. IRI is currently conducting democracy assistance programs in more than 65 countries, eight of which are former soviet republics. These countries in Eurasia present unique challenges programmatically, as they all are at different stages of political and governance development.

IRI has worked off and on in Kazakhstan since the mid-1990s; off and on because the challenging political environment there has caused or forced us to leave the country twice, but our firm commitment to furthering democratic processes in Kazakhstan has spurred our return, in the hope that our work there can help affect lasting change. Much of our work in Kazakhstan focuses on providing political parties with methodological survey data, trainings and other resources to develop issue-based platforms and conduct meaningful campaigns. Our goal for the people of Kazakhstan is for their country to have a thriving competitive party system, where voters are able to make real choices in elections, the basis of which must be a level playing field for all parties that have met reasonable standards for participation.

We're here today to discuss the challenges before Kazakhstan regarding fulfilling the OSCE's human dimension basket which aims to ensure respect for human rights, rule of law, democratic institutions, tolerance, and the autonomy and current mandate of the Office of Democratic Institutions and Human Rights (ODIHR). Secondly, we'll discuss Kazakhstan's progress and/or shortcomings in meeting its own commitments in the context of its future Chairmanship.

In his speech to the OSCE Ministerial in Madrid in November 2007, Kazakh Foreign Minister Marat Tazhin made many promises.

For example, Foreign Minister Tazhin pledged: "the Central Election Commission of the Republic of Kazakhstan will prepare a package of recommendations, which will be considered by the Government in 2008; and the same year, a draft law, prepared on the basis of the said package of recommendations, will be sent to the Mazhilis of Parliament. Thus, with the assistance of ODIHR and the OSCE's other institutions, we intend to take measures to reform the Law on Elections by the end of 2008."

Foreign Minister Tazhin also pledged: "Kazakhstan continues its work on implementation of the ODIHR recommendations in the area of elections and legislation concerning political parties."

A working group that included representatives of non-governmental organizations (NGOs) was formed by the Central Election Commission (CEC) to discuss changes to electoral legislation, but discussions were limited and very general, and when the participating NGOs attempted to

raise more concrete issues in a letter to the CEC, the working group ceased further meetings and the discussions of amendments to the election law moved to a “closed” format.

The resulting amendments that passed in January 2009, include a requirement that at least two parties be represented in parliament, even if only one party surpasses the seven percent threshold for representation; however, new elections have yet to be held in conjunction with this law's passage and one party continues to control all 98 seats in parliament. In addition, it is important to note that the law contained no provisions for term limits or restrictions on the vast powers of the presidency.

The real barrier for political parties, however, is this extremely high, seven percent threshold for representation. I recommend that the election law be further amended to lower the electoral threshold for a party to gain seats in parliament from seven percent of the vote to five percent.

Additionally, despite some steps taken by the Kazakhs to liberalize the political party registration process, further liberalization is needed. Moreover, opposition parties have virtually no access to media. These issues must be addressed to provide a level playing field for all of Kazakhstan's political parties and to ensure progress toward democratic reform.

Foreign Minister Tazhin also stated, “We consider the human dimension to be one of the most important directions of the OSCE activity. This is why Kazakhstan pays priority attention to the broad scope of activities within the framework of this ‘basket’.”

However, new legislation in parliament marks a real setback for the OSCE human dimension, the most recent being a draft amendment to internet legislation which threatens to effectively classify blogs, forums, and chat rooms in the Kazakhstan domain as media outlets; thereby subjecting them to strict oversight and making Internet users answerable for comments posted online.

Unfortunately, it is difficult to point to sufficient progress on the commitments that were made in Madrid, and what little reform legislation has been passed is too vague and full of loopholes to provide anything but superficial movement on the Madrid commitments, especially with regards to political parties and media.

In terms of the OSCE specifically, Foreign Minister Tazhin pledged: “Kazakhstan commits to preserve ODIHR and its existing mandate and will not support any future efforts to weaken them. We stand for preservation of the mandate of the Office for Democratic Institutions and Human Rights.”

We won't know whether Kazakhstan will keep this promise, until it assumes the Chairmanship; when weighed against the minimal progress made towards its other Madrid commitments, we are left with a great deal of skepticism in this regard.

I believe that all of us here hope for the best from the agreement made in offering Kazakhstan the chairmanship of the OSCE in 2010. Without question, it is a historic event, as Kazakhstan will be both the first Central Asian country and the first former Soviet republic to hold this distinguished position. However, the danger in providing a reward before certain goals and benchmarks have been met is that the incentives for continued progress have been lost. I'm reminded here of the process for European Union accession, which doesn't rely on promises of

change but on accomplishments. We are now faced with the question of how to forge the best way forward in helping Kazakhstan meet its commitments to the OSCE.

In the future, OSCE member states need to carefully consider future nominations for the chairmanship, using a roadmap process that does not guarantee the position until commitments are fulfilled. We certainly want to encourage new leadership and reward progress of members within the organization, but not before minimum levels of progress have been met.

I continue to hope for a productive, successful Kazakhstan chairmanship in 2010, and I know that we will all do what we can to support them in that effort. However, we as the international community and OSCE member governments have a responsibility to remind Kazakhstan of the commitments that they made, and the expectation they will be fulfilled.

We are also called to speak out if, as its chair, Kazakhstan tries to take OSCE in a direction that is not agreed upon by the membership. We also need to insist upon a vibrant, strong and well-prepared ODIHR office that can fulfill its mission.