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**Findings of the CIC
Election Observation Mission (EOM)
Led by The Rt. Hon. The Lord Parkinson**

**Presidential Election,
Republic of Kazakhstan, 4th December 2005**

Introduction

Kazakhstan is an economy, a society and a state. No serious judgment can be made without remembering how these things fit together. That is a matter of history. Moving from totalitarianism to the legal institutions of democracy in little more than a decade is a massive step. Such a transformation requires profound changes of attitudes, and this takes time. The application of purely mechanical criteria for democracy may well tell only part of the story.

What matters crucially in Kazakhstan is that it should continue to move decisively, at a pace which reflects its cultural and political realities, fully to develop democratic habits and institutions. In Central Asia, where fear of violence has been a feature of recent politics, the value of stability is a powerful concern shared by government and people. In Kazakhstan, we believe that organic change, against a background of economic growth, is the best guarantor of a sustainable democracy.

The Election

The presidential election of 4th December represents a very significant advance. The election was genuinely competitive, and voters were given a real choice between candidates. We found no reason to doubt the integrity of the election process.

The high level of voter participation (75.52% or 6.7 million voters out of a total of 8.8 million) clearly reflected a widespread desire to embrace enthusiastically an opportunity denied to the citizens of Kazakhstan for so long.

The huge level of support achieved by President Nazarbayev should not, we believe, be regarded as a reason for doubting the integrity of the election. It cannot be explained by the relatively minor criticisms of the legal and administrative arrangements identified by some observers, and which we address below.

There are two more compelling reasons. First, there are other examples of countries which, having moved from authoritarian to democratic rule, remained overwhelmingly faithful to a particular leader or party because of the high priority they attached to political stability, most notably India, Japan and Mexico. The recent political upheavals in Central Asia, some involving bloodshed or loss of life, would explain the decision of voters.

Second, the president has other natural advantages. The annual ten per cent increase in GDP achieved over the last five years, together with significantly rising living standards, a steady decrease in the number living below the poverty line, low levels of inflation and substantial increases in public sector pay and pensions during the present year, played a crucial part in shaping voter preferences in favour of the incumbent president.

Even in a stable Western democracy, an economic record of this kind would present serious difficulties for any opposition.

Turning to the practical arrangements made by the Central Election Commission, we believe that in general they lived up to the expectation, expressed in our report of 10th November, that these would represent a significant improvement, in terms of professionalism and openness, on the elections to the Majilis, the Kazakhstan lower house, on 19th September 2004.

We concur with the judgement of ODIHR, expressed in its Interim Report No. 2, that the preparations for the election proceeded smoothly and in an organised manner and that the lower-level election commissions operated in a professional and co-operative way. One obvious improvement was the posting of voters lists in polling stations two weeks prior to election day so that they could be checked by anyone whose name was not included. Procedures to include those small number of names not included were clear and streamlined. We also welcomed the decision to hold meetings of the Central Election Commission in public.

We could find no evidence to support the claims made by opposition candidates that the practical arrangements for the election itself displayed a bias in favour of the incumbent president. We believe, however, that public confidence and that of opposition parties would be increased by ensuring that at least some members of the Central Election Commission were independently appointed rather than nominated by the President prior to parliamentary approval. At a local level, we understand that opposition parties are already able to nominate election commission members.

As we explained in some detail in our report of 10th November, we do not agree with the concerns expressed by ODIHR in its Interim Report No. 1 with respect to the amendment

to Article 44.6 of the Election Law, which prohibited public demonstrations between the close of campaigning and the announcement of the result. By definition, the ban could not have influenced the outcome of the election. Furthermore, the reasons given by the government for introducing the amendment are not unreasonable. The temporary suspension of the right to demonstrate scarcely represents a fundamental denial of human rights.

The arrangements for introducing the “Sailau” e-voting system in 15 per cent of polling stations (covering 32% of the electorate) appear to have been professionally implemented; national television and local polling stations gave voters simple and consistent advice on how to use the system. The apparently high proportion of those who chose to use the system in preference to traditional methods at the 2004 Majilis election would seem to suggest that the system is popular, although we continue to believe that voters should retain the right to vote in the traditional way for the foreseeable future.

We note the reservations of ODIHR concerning the use of e-voting contained in its Interim Report No.2, but since these refer only to ODIHR’s perception that there was insufficient public confidence in the system – for which we could find no evidence – we do not share them. Indeed, we believe that e-voting may be superior to other voting systems in several important respects, and expect that further, refined technologies will be widely used in future Kazakhstan elections.

The standard of media freedom in Kazakhstan falls below that in Western countries. As we noted in our earlier report, the fact that 80 per cent of the print media is in private hands may well exaggerate the extent of press freedoms. Nevertheless, opposition newspapers and pamphlets contained vigorous denunciations of the President’s record and policies as well as details of their own approaches and campaign promises. The widely publicised appearance on national television during the campaign of the leading opposition candidate, Mr. Zhamarkhan Tuyakbai, in which he denounced the integrity of the incumbent president, provides evidence of openness and tolerance in political debate in Kazakhstan.

The Central Election Commission lived up to its duty to ensure equal free column inches and broadcasting time on television and radio during the campaign period, in accordance with the provisions of the Election Law. We were impressed by the prompt action taken by the Chairman of the Election Commission in threatening action against newspapers which refused to carry articles by candidates in accordance with the law.

Complaints by candidates about the absence of a television channel sympathetic to the opposition are legitimate and are likely to continue. It is not the task of election observers to advise elected politicians about the pace of political reform, but we believe that this is an area where legislation may be necessary to curb monopoly tendencies and to ensure more balanced coverage.

Our overall assessment of Kazakhstan is that the direction of political change, which takes place against the background of remarkable economic growth and the gradual emergence of a distinctive middle class, is very encouraging.

The 4th December election has been the freest, fairest and certainly the most transparent election to have occurred in Kazakhstan's brief history as an independent state. We believe the legal and technical infrastructure to carry out the ballot was put in place in a sincere effort to enable voters to express a real choice. It provides a platform for further democratic reform, a process which we believe must continue. Most importantly, the conduct of the election provides impressive testimony that Central Asian states with diverse and predominantly Muslim populations can achieve democratic change peacefully, however difficult the adjustments that may involve.

At this election, Kazakhstan has taken a major step forward in becoming a full democracy. The international community should encourage Kazakhstan to pursue the process of embedding its democratic institutions and to create a genuinely free society.

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Astana, 5th December 2005