

## KAZAKH ELECTIONS: A REAL STEP FORWARD

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On 19 September nearly five million voters in Kazakhstan cast ballots at 9,500 precincts to fill 77 seats in their parliament's lower house. Much of the western media judged the election a failure. CNN conveyed the view that it was "neither equitable nor free." The Economist snidely referred to the "results" in quotation marks. A Soros-funded journalist, Vladic Ravich, filed numerous stories, all sharply negative. All cited a line from the report of the OSCE 300-person observer mission that the elections were riddled with "serious shortcomings" and fell short of standards set by the OSCE and Council of Europe.

Kazakhstan's elections were flawed. We know this because we were there. We visited eight urban and rural polling places, talked with more than a hundred voters, election officials, and observers, as well as officials from six of the contending parties. The critical points raised by OSCE are valid.

But this is not the whole picture. Only a small percentage of the numerous breaches were the result of deliberate manipulations designed to prevent the people's voice from being heard. Far more resulted from organizational ineptitude and technical inexperience. Against these must be set the many positive aspects of the vote. These do not reduce the importance of the shortcomings. But it is essential that they be taken into account in evaluating the elections as a whole.

Beyond question, the worst cases of outright manipulation occurred when some local governors and bureaucrats pressured voters to support President Nazerbayev's Otan (Fatherland) Party. This is all but inevitable when all local officials are appointed from above, and not elected. They know which side of their bread is buttered and act accordingly. It is hard to imagine this problem being solved until more local officials are chosen through elections. Expect the same problem on a larger scale in Russia, now that Putin has abolished elections for governors and replaced them with presidential appointments.

Many, probably most, of the other problems were managerial in nature. Often, voter lists were incomplete or inaccurate. This is understandable in large cities with numerous undocumented recent migrants from the countryside, but it is serious nonetheless. Zagipa Baliyeva, head of the Central Electoral Commission, admits it to be "an acute problem" and has proposed that henceforth registration lists be compiled by members of the local public, as well as election officials and local administrators. A pity this provision was not introduced when the electoral law was recently revised.

Kazakhstan's decision to introduce electronic voting at 10% of polling stations also caused problems. Even though everyone could choose between electronic and paper ballots, this bold experiment created difficulties, especially among some older voters, as did the bar code system that was introduced to prevent duplicate voting. Some qualified voters did not get their bar codes and others, especially in rural areas, were fearful that employers might somehow use the barcodes to learn how they voted.

The new election law assured a minimum of equal coverage of candidates in the main media outlets. In spite of this, government TV channels devoted more time to the pro-government parties. In addition to legitimate complaints on this score were others, understandable but baseless, from parties that could not afford the high cost of TV spots and billboards.

Far more serious was the evident lack of transparency in the work of the Central Electoral Commission itself, and the political imbalance on more than a few local electoral commissions. The imbalance may well trace to efforts to manipulate the outcome, although sheer incompetence also played a part. Ms. Baliyeva's arbitrary and secretive style precluded the transparency the law demands, and her example doubtless spread to some local commissions. Old Soviet habits die hard.

So how bad was the election? Informal exit poles suggest that reported results fairly closely reflect the voters' choices. The margin of error certainly did not affect the outcome by more than a few percentage point, and then not consistently. But if this is so, how does one explain the charges of "gross violations" by the Ak Zhol (Bright Way) Party, the largest opposition group, or the decision by the Minister of Information Altynbek Sarsenbayev, an Ak Zhol candidate, to resign his post in protest? Or the 108 charges of violations filed by Ak Zhol or the 89 filed by Democrat Choice of Kazakhstan (DCK), the unlikely coalition of liberals and the local Communist party?

Sarsenbayev's charge is disingenuous. As minister he presided over many of the violations noted by international observers. In 1999 elections the OSCE singled him out for criticism. And his resignation occurred only after he knew he had just won election to the parliament. Ak Zhol, quite legitimately, was using accusations of impropriety as a campaign tool against the official parties and DCK was itself the target of a large number of similar official accusations from other parties. Opposition parties, too, engaged in "dirty tricks."

Within a few days of the election some 750 appeals against alleged violations had been filed with the Prosecutor's office. To its credit, that office immediately issued a detailed written report on these appeals and indicated that it would

evaluate and rule on each of them in an expedient manner. One should not assume that all 750 will be upheld. Even before the elections it had ruled on 90 cases, its judgments in nearly all cases being accepted by the public.

Against the background of these flaws, some merely alleged but others confirmed by qualified observers, what positive achievements can be credited to Kazakhstan's elections of 2004? At least ten significant advances can be cited.

First, the revised constitutional law that defines the electoral process in Kazakhstan is clearly a big improvement over its predecessor. The OSCE proposes further revisions, but nonetheless acknowledges that the revised legislation represents a significant advance.

Second, the elections were clearly competitive. That fully a third of the contests went into runoffs would never have happened if systematic manipulation had occurred. And the polling produced some real surprises. The Asar Party set up by the President's daughter, Deriga Nazarbayeva, was supposed to sweep to second place, assuring her succession in the event of her father's death. It enjoyed seemingly limitless funding and easy access to the media, some of the largest outlets being owned by Ms. Nazarbayeva herself. In spite of this, Asar finished a weak third, behind the moderate opposition party Ak Zhol. And the bloc of liberals and Communists failed even to pass the 7% barrier.

Third, fully 57% of registered voters showed up at the polls. Earlier, OSCE had intoned that "public interest does not seem to be high," George Soros' Open Society Institute predicted a turnout of only 29% in Almaty, and the Institute of War and Peace Reporting speculated about "voter fatigue." In spite of these sour predictions, Kazakhstani voters acted on their conviction that elections really count.

Fourth, the official registration of fully ten parties and blocs, including genuine opposition groups, far surpassed any previous election in Kazakhstan. As the OSCE acknowledged, this "gave voters a real choice," which may explain why so many voted in a parliamentary election.

Fifth, whatever their imbalances in funding and media access, parties were for the first time able to make their case in debates aired on national television. Seven closely structured debates were held. Judging by voter comments, these convinced many to change their decisions on which party to back.

Sixth, for the first time in Kazakhstan, official observers representing all the participating parties were able to monitor the elections and vote counting.

Knowing that their legal rights were defined and protected, these thousands of volunteers took their role seriously, and are the source of many of the complaints now being vetted by the Prosecutor's office.

Seventh, even the limited experiment with electronic voting machines must be considered an achievement. It would have helped if the decision to use them had been made earlier, and more training offered beforehand. Yet the overwhelming majority of voters who used them experienced no problems. Many proudly pointed out that few voters in Europe and America enjoy the same opportunity.

Eighth, for all the complaints about unbalanced coverage in the media, no papers were closed, no stories suppressed, and no journalists harassed, as occurred in earlier elections in Kazakhstan. The OSCE admitted, albeit in passing, that this represented real progress.

Ninth, of the 700 candidates up for election, fully 17% were women, a significant increase from earlier elections. President Nazarbayev took to the airwaves to encourage voters to consider seriously female candidates, whatever their party. It is almost certain the runoff votes will send more women than ever to Kazakhstan's parliament.

Finally, 1029 foreign observers came from as far away as India and Thailand. This appears to be a record for elections in all countries of the former USSR. When the Kazakh government invited them it knew full well that these international monitors, like the thousands of domestic poll watchers, were bound to turn up improprieties, which indeed happened. Yet Kazakhstan clearly believes it has nothing to hide, and much to learn, by exposing itself to honest criticism.

In light of this review, what can we conclude about the 2004 parliamentary elections in Kazakhstan? It is undeniable that they were flawed. Even if more of the breaches trace to inexperience, ineptitude, or organizational shortcomings than to deliberate efforts at falsification, the flaws cannot be swept under the carpet. Nor is Kazakhstan seeking to do so. Public debate over how to improve the system before the 2006 presidential elections has already begun. Concrete proposals have already been put forward.

At the same time, the process as a whole was positive. It further legitimizes the electoral process in a country accustomed to dismissing all votes as charades, as they in fact were through 74 years of Soviet rule. The fact that three parties have declared the vote invalid cannot be lightly dismissed. But it must also be recognized that this move is itself a political maneuver in a country that is increasingly committed to solving disagreements at the ballot box.

What, then, does it mean when the OSCE and Council of Europe conclude that Kazakhstan's elections still far short? It means that the country has not yet achieved the level of organizational efficiency and transparency that prevails in Denmark, Britain, or Belgium. No surprise there. But how do the Kazakh elections look when evaluated by the standard of earlier elections in this country, which has enjoyed sovereignty for barely a dozen years?

The OSCE touched on this briefly in its preliminary report, noting "several improvements in comparison with previous elections" in Kazakhstan. The US Embassy in Astana reached a similar conclusion, while accepting the OSCE critique. But it is significant that neither of these estimable bodies, nor the Council of Europe, bothered to enumerate more than a couple of the ten areas where concrete progress was achieved. Instead, all three concentrated on the negative and shortchanged the positive. True, had any of them failed to indicate the problems they would have been remiss. But if the goal is to encourage Kazakhstan towards further progress, surely it would have been better to identify the pluses as well as the minuses.

This they failed to do. Instead, they presented themselves as stern nannies from the lands of flawless elections, wagging their finger but stingy in their praise. Besides presenting a one-sided and hence seriously distorted picture, this is, to say the least poor pedagogy. Kazakhstan earned the sticks that are being applied to it. But it also earned the carrots that have been withheld. A more comprehensive and balanced evaluation leads inexorably to the conclusion that Kazakhstan's recent elections mark a real and even notable step forward. The Kazakhs, and the western public, deserve to know this. Democracy in Kazakhstan is not just a hollow declaration.