

Report on Kazakhstan's Presidential Election

January 10, 1999



A Report Prepared by the Staff of the
Commission on Security and Cooperation in Europe

Commission on Security and Cooperation in Europe
234 Ford House Office Building
Washington, DC 20515-6460
(202) 225-1901
csce@mail.house.gov
<http://www.house.gov/csce/>

CHRISTOPHER H. SMITH, New Jersey, *Chairman*
BEN NIGHTHORSE CAMPBELL, Colorado, *Co-Chairman*

FRANK R. WOLF, *Virginia*
MATT SALMON, *Arizona*
MICHAEL P. FORBES, *New York*
JAMES C. GREENWOOD, *Pennsylvania*
STENY H. HOYER, *Maryland*
EDWARD J. MARKEY, *Massachusetts*
BENJAMIN L. CARDIN, *Maryland*
LOUISE MCINTOSH SLAUGHTER, *New York*

SPENCER ABRAHAM, *Michigan*
KAY BAILEY HUTCHISON, *Texas*
SAM BROWNBACK, *Kansas*
Vacant
FRANK R. LAUTENBERG, *New Jersey*
HARRY REID, *Nevada*
BOB GRAHAM, *Florida*
RUSSELL D. FEINGOLD, *Wisconsin*

Executive Branch

HAROLD H. KOH, Department of State
Vacant, Department of Defense
Vacant, Department of Commerce

Professional Staff

DOROTHY DOUGLAS TAFT, *Chief of Staff*
MICHAEL R. HATHAWAY, *Deputy Chief of Staff*

ELIZABETH CAMPBELL, *Staff Assistant/Systems Administrator*
MARIA V. COLL, *Office Administrator*
OREST DEYCHAKIWSKY, *Staff Advisor*
JOHN F. FINERTY, *Staff Advisor*
CHADWICK R. GORE, *Communications Director, Digest Editor*
ROBERT HAND, *Staff Advisor*
JANICE HELWIG, *Staff Advisor (Vienna)*
MARLENE KAUFMANN, *Counsel for International Trade*
SANDY LIST, *GPO Liaison*
KAREN S. LORD, *Counsel for Freedom of Religion*
RONALD McNAMARA, *Staff Advisor*
MICHAEL OCHS, *Staff Advisor*
ERIKA B. SCHLAGER, *Counsel for International Law*
MAUREEN WALSH, *Counsel for Property Rights*

ABOUT THE ORGANIZATION (OSCE)

The Conference on Security and Cooperation in Europe, also known as the Helsinki process, traces its origin to the signing of the Helsinki Final Act in Finland on August 1, 1975, by the leaders of 33 European countries, the United States and Canada. Since then, its membership has expanded to 55, reflecting the breakup of the Soviet Union, Czechoslovakia, and Yugoslavia. (The Federal Republic of Yugoslavia, Serbia and Montenegro, has been suspended since 1992, leaving the number of countries fully participating at 54.) As of January 1, 1995, the formal name of the Helsinki process was changed to the Organization for Security and Cooperation in Europe (OSCE).

The OSCE is engaged in standard setting in fields including military security, economic and environmental cooperation, and human rights and humanitarian concerns. In addition, it undertakes a variety of preventive diplomacy initiatives designed to prevent, manage and resolve conflict within and among the participating States.

The OSCE has its main office in Vienna, Austria, where weekly meetings of permanent representatives are held. In addition, specialized seminars and meetings are convened in various locations and periodic consultations among Senior Officials, Ministers and Heads of State or Government are held.

ABOUT THE COMMISSION (CSCE)

The Commission on Security and Cooperation in Europe (CSCE), also known as the Helsinki Commission, is a U.S. Government agency created in 1976 to monitor and encourage compliance with the agreements of the OSCE.

The Commission consists of nine members from the U.S. House of Representatives, nine members from the U.S. Senate, and one member each from the Departments of State, Defense and Commerce. The positions of Chair and Co-Chair are shared by the House and Senate and rotate every two years, when a new Congress convenes. A professional staff of approximately 15 persons assists the Commissioners in their work.

To fulfill its mandate, the Commission gathers and disseminates information on Helsinki-related topics both to the U.S. Congress and the public by convening hearings, issuing reports reflecting the views of the Commission and/or its staff, and providing information about the activities of the Helsinki process and events in OSCE participating States.

At the same time, the Commission contributes its views to the general formulation of U.S. policy on the OSCE and takes part in its execution, including through Member and staff participation on U.S. Delegations to OSCE meetings as well as on certain OSCE bodies. Members of the Commission have regular contact with parliamentarians, government officials, representatives of non-governmental organizations, and private individuals from OSCE participating States.

CONTENTS

EXECUTIVE SUMMARY	1
BACKGROUND	3
ELECTION LAW	7
CANDIDATES AND THEIR PLATFORMS	8
RESULTS	10
OSCE/ODIHR ASSESSMENT	10
CONCLUSIONS AND PROJECTIONS	10

This report is based on a Helsinki Commission staff delegation to Almaty, Kazakstan, from January 10-15, 1999. Commission staff spoke with representatives of the international diplomatic community in Almaty, local and foreign journalists, opposition leaders, human rights NGOs, spokespersons of Kazak political movements and a Russian community activist.

As indicated below, on December 3, 1999, the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), after a fact-finding mission to Kazakstan, concluded that conditions did not exist for holding free and fair elections and urged a postponement. Kazakstan's authorities did not heed that suggestion. ODIHR subsequently decided not to mount a full-fledged observation mission, as it generally does, but instead sent a small group of election specialists to monitor and report on the process. The Helsinki Commission, for its part, opted not to seek accreditation for Commission staff with the Central Election Commission, and for the first time since 1990, when Commission staff began observing elections in all parts of the former USSR, did not visit polling stations on voting day. The U.S. Government did not send an observer delegation, nor did representatives of the U.S. Embassy in Kazakstan monitor voting.

U.S. Embassy personnel reported that Kazakstani officials were extremely reluctant to discuss the election and were uncommunicative when they did so. The official view on the subject was well known: Kazakstan's parliament had decided to hold pre-term elections, postponing the election would violate Kazakstani law and calls to do so by international organizations or foreign capitals constituted interference in Kazakstan's internal affairs. During an address at the Center for Strategic and International Studies in Washington on December 8, Foreign Minister Kassymzhomart Tokaev made these points. After addressing many questions from the audience about the election, he summed up by stating that Nursultan Nazarbaev would remain president for another seven years, irrespective of whether it was good or bad, democratic or undemocratic.

Because of these considerations, Helsinki Commission staff did not seek meetings with Kazakstani Government officials to discuss the election. Nevertheless, Commission staff received some indication of the line that might have been taken when a semi-official individual tried to argue that the Supreme Court had excluded one of the would-be candidates—the most controversial aspect of the election—entirely independently of President Nazarbaev's wishes.

EXECUTIVE SUMMARY

- On January 10, 1999, Kazakhstan held presidential elections, almost two years ahead of schedule. Incumbent President Nursultan Nazarbaev ran against three contenders. According to official results, Nazarbaev retained his office, garnering 81.7 percent of the vote. Communist Party leader Serokbolsyn Abdildin won 12 percent, Gani Kasymov 4.7 percent and Engels Gabbasov 0.7 percent. The Central Election Commission reported that about 86 percent of eligible voters turned out to cast ballots.

- Nazarbaev's victory was no surprise: the entire election was carefully orchestrated and the only real question was whether his official vote tally would be in the 90s—typical for post-Soviet Central Asian dictatorships—or lower, which would have signaled some sensitivity to Western and OSCE sensibilities. Any element of suspense vanished when the Supreme Court in November upheld a lower court ruling barring the candidacy of Nazarbaev's sole plausible challenger, former Prime Minister Akezhan Kazhegeldin, on whom many opposition activists have focused their hopes. The formal reason for his exclusion was both trivial and symptomatic: in October, Kazhegeldin spoke at a meeting of an unregistered organization called "For Free Elections." Addressing an unregistered organization is illegal in Kazakhstan, and a presidential decree of May 1998 stipulated that individuals convicted of any crime or fined for administrative transgressions could not run for office for a year.

- The exclusion of Kazhegeldin signaled Nazarbaev's refusal to take any risks when facing the voters. Though the election was nominally contested, he continued his tradition of not allowing any genuine rivals to run against him. Rather than allow a real race, which might have enhanced his own legitimacy, Nazarbaev instead chose to stage a flagrantly flawed election, which sullied his own reputation and set back the country's flagging democratization.

- The snap election, of course, deprived any challengers of the opportunity to organize a campaign. But most observers attributed the decision to speed up the timetable primarily to Nazarbaev's concerns about Kazakhstan's economic decline and his fears of running for reelection in 2000, when the situation will presumably be even worse. Another reason to hold elections now was anxiety about uncertainties in Russia—a new president, with whom Nazarbaev does not have long-established relations, will be elected in 2000 and may adopt a more aggressive attitude towards Kazakhstan than has Boris Yeltsin.

- The exclusion of would-be candidates, the artificial brevity of the campaign, intimidation of voters, the ongoing attack on independent media and restrictions on freedom of assembly moved the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) in December to urge the election's postponement, as conditions for holding fair elections did not exist. Ultimately, ODIHR refused to send a full-fledged observer delegation, as it generally does to monitor an election, and dispatched a small group of experts to report on the process. They concluded that Kazakhstan's elections fell *far* short of international standards, an unusually strong statement for ODIHR.

- Until the mid-1990s, even though President Nazarbaev dissolved two parliaments and was single-mindedly accumulating power, Kazakhstan seemed a relatively reformist country, where various political parties could function and the media enjoyed some freedom. Moreover, considering the more authoritarian regimes of Uzbekistan and Turkmenistan and the war and chaos in Tajikistan, Kazakhstan benefitted by comparison.

- In the last few years, however, the nature of Nazarbaev's regime has become ever more apparent. He has over the last decade concentrated all power in his hands, subordinating to himself all other branches and institutions of government. His determination to remain in office indefinitely, which could have been inferred by his actions, became explicit during the campaign, when he told a crowd, "I would like to remain your president for the rest of my life." Conveniently, a constitutional amendment passed in October 1998 removed the age limit of 65. Moreover, since 1996-97, Kazakhstan's authorities have co-opted, bought or crushed independent media, effectively restoring censorship in the country. A crack-down on political parties and movements has accompanied the assault on the media, bringing Kazakhstan's overall level of repression closer to that of Uzbekistan and damaging Nazarbaev's image.

- Nazarbaev may have been chastened by international condemnation of the election. On March 1, the Ministry of Justice unexpectedly registered Kazhegeldin's Republican People's Party and another opposition movement, *Orleo*. They will make their case to the voters, assuming they are allowed to participate on an equal basis, in parliamentary and local elections expected in October 1999. But they face a formidable challenge from Nazarbaev's new party—*Otan*—which is obviously designed to tighten his grip on parliament. Even if Nazarbaev does implement promised reforms, parliament will remain a very junior partner of the executive branch, so he may feel comfortable allowing opposition parties some meaningful representation in a largely powerless institution. But if they threaten to bolster the standing and prospects of Kazhegeldin, he may instead use his control of the election process to keep them out entirely or give them only enough seats to show the West that Kazakhstan is still more democratic than Uzbekistan or Turkmenistan. Similar considerations govern the outlook for independent and opposition media.

- Despite significant U.S. strategic and economic interests in Kazakhstan, especially oil and pipeline issues, the State Department issued a series of critical statements after the October announcement of pre-term elections. On November 23, Vice President Gore called President Nazarbaev to voice U.S. concerns about the election. The next day, Kazakhstan's Supreme Court, which is wholly subordinate to Nazarbaev, excluded Kazhegeldin, prompting another critical U.S. statement. On January 12, the State Department echoed ODIHR's negative assessment of the election, adding that it had "made more difficult" bi-lateral relations. President Clinton did not congratulate Nazarbaev in his post-election letter, though he offered continuing U.S. cooperation in promoting democratization and market reform. If the upcoming parliamentary elections are as flawed as the presidential race, the shadow cast on U.S.-Kazakstani ties will grow deeper.

BACKGROUND

Nursultan Nazarbaev has run Kazakhstan since 1989, when he was First Secretary of the Communist Party. In April 1990, the Supreme Soviet (legislature) elected him president. After the Soviet Union collapsed and Kazakhstan gained its independence, Nazarbaev won a popular election, in an uncontested race in December 1991. Nazarbaev dissolved parliament in 1993 and did so again in 1995, when he also canceled scheduled presidential elections and organized a referendum to extend his tenure in office until 2000; a new constitution formalized his expanded powers and the subordination of the legislative branch. Before January 1998, therefore, though effectively in office for over a decade, Nazarbaev had never faced a rival in an election.

The country Nazarbaev rules is the largest, next to Russia, of the former Soviet republics. Located between Russia and China, Kazakhstan is blessed with abundant natural resources, especially oil. The relatively small population—about 16 million—was about evenly divided between Kazaks and non-Kazaks, especially Russians, according to the last Soviet census (1989). Since then, the passage of laws formalizing the status of Kazak as the sole state language and employment practices favoring Kazaks have led many Russians to emigrate, as Kazakhstan has become more Kazak over the last decade. Though relations between the remaining Russians and Kazaks have been tense, there has been no inter-ethnic violence in Kazakhstan, as opposed to numerous other former Soviet republics, for which Nazarbaev takes credit. He portrays himself as the indispensable guarantor of stability and the guiding spirit behind the country's transition towards a market economy.

The international financial institutions have indeed been generally supportive of Kazakhstan's economic reforms. These have resulted in a stable currency, single-digit inflation, and the privatization of most of the economy—about 80 percent, according to official Kazakstani figures. Nazarbaev has opened the country's massive energy resources to foreign companies, and investor-friendly policies have made Kazakhstan the former Soviet republic with the highest level of foreign investment.

The cost of this progress, however, has been an ever growing gulf between the winners and losers. As in other energy-rich former Soviet republics, the eager attention of international oil companies and the privatization of state assets have hugely benefitted Kazakhstan's elite, in which Nazarbaev's relatives figure prominently. One of his sons-in-law chairs the country's oil company, another son-in-law heads the tax inspectorate, while his daughter runs *Khabar*, one of two state TV channels. Corruption is rife and bribery is common among officials. According to foreign diplomats, one-third to one-half of over \$1 billion in privatization bonuses from foreign companies to the government of Kazakhstan has disappeared.¹ Meanwhile, less favored citizens of Kazakhstan have suffered a calamitous decline in living standards; Kazakhstan's Red Crescent and Red Cross figures indicate that 78 percent of the urban population lives below the poverty line, as compared to 90 percent for villagers.² Pensioners and workers often do not receive payments and salaries, sometimes for months and even years at a time.

Their outlets for voicing discontent are severely limited, however. A 1995 presidential decree, issued while parliament was dissolved, requires official permission to hold a demonstration; such permission is difficult to obtain. Anyone convicted of organizing unsanctioned protest meetings is subject to fines and arrest.

¹ Steve Levine, "Caspian Logic: Democracy? Sure, Sure. Now Buy Our Oil," *New York Times*, January 3, 1999.

² Interfax-Kazakhstan, November 16, 1998.

In recent years, freedom of expression has fared no better than freedom of assembly. During the early post-independence era, print and even electronic media blossomed. In 1996, however, the government launched a tender process for frequencies that demanded such high prices, and was administered in such a biased manner, that independent TV and radio stations had to close down or sell.³ Print media suffered a similar fate, with the campaign against the independent and opposition press intensifying in 1998. *Karavan*, the country's most popular newspaper, was sold; nobody knows who bought it, but it is generally assumed to belong to Nazarbaev's relatives and no longer publishes articles even remotely critical of the president. On September 26, someone firebombed the offices of the opposition newspaper *21st Century*. Two days later, the authorities closed the paper down. *Dat*, which began operations in April 1998, dared to print articles about the finances of Nazarbaev's family, and did so in the Kazak language, which many believe the authorities found particularly irritating. The tax police confiscated its computers in July. In November, the authorities fined *Dat* the huge sum of \$435,000 for violating various regulations, effectively forcing the paper into bankruptcy; one month later, a court ordered the paper closed. As a result of these policies, the opposition press has largely been silenced, with some exceptions: for example, authorities subsequently rescinded the order closing *21st Century*, which, along with *451 Fahrenheit*, still manages to function.

By late 1997, opposition activists had begun to focus their hopes on Prime Minister Akezhan Kazhegeldin, despite their disappointment with some of his policies and moves against independent media. It was during his tenure in office, for instance, that the tender process for frequencies began. Nevertheless, Kazhegeldin appeared both more amenable to notions of liberalizing the political system and, as a wealthy, well connected representative of the power elite, the sole candidate with the necessary clout to challenge the well-entrenched Nazarbaev.⁴ With people discussing a Kazhegeldin candidacy more and more openly, Nazarbaev sacked his prime minister in October 1997, setting up the confrontation that was to come one year later.

The October 1998 announcement of snap presidential elections did not come as a total surprise. One year earlier, when Helsinki Commission staff was last in Kazakhstan, various local analysts predicted that President Nazarbaev would resort to this stratagem, fearing further economic downturns would damage his prospects if the election took place as scheduled in 2000. Though upcoming parliamentary and local elections were unlikely to endanger Nazarbaev's position, prudence nevertheless dictated holding a presidential poll while the current pliant parliament was still in place. Moreover, even then, observers considered a challenge from Kazhegeldin likely, and they speculated that waiting until 2000 would give him more time to organize a credible candidacy. So widespread were the rumors that Nazarbaev felt compelled to deny any such intentions, vowing that his term would end in 2000, and rejecting any notions of a monarchy or hereditary power in Kazakhstan.⁵ His denials were not very persuasive. Pyotr Svoik, one of the chairmen of the opposition movement *Azamat*, for example, wrote in *Lad* (July-August 1998) that Nazarbaev would surely hold pre-term elections. In addition to the above-

³ Internews-Kazakstan, "Update on Status of Private Broadcasting in Kazakstan," September 15, 1997.

⁴ In this respect, Kazakhstan resembles Azerbaijan, where the former Speaker of Parliament, Rasul Guliev, is one of President Aliev's leading challengers and a serious candidate to succeed him. A key difference between the two countries, however, is that opposition parties and movements are far more developed and influential in Azerbaijan than in Kazakhstan, and there are several plausible successors among the opposition.

⁵ Interfax-Kazakstan, October 10, 1997.

mentioned considerations, Svoik noted that Nazarbaev could exploit the current weakness of all opposition movements, which had been too crippled and intimidated by repression to resist any presidential maneuvering.

Many analysts of Kazakstani politics argued in 1998 that Nazarbaev's concerns about developments in Russia also impelled him to speed up his own reelection. In 2000, Boris Yeltsin will leave office. Whoever replaces him could well pursue more aggressively Russia's interests in and with Kazakhstan. These include minimizing the penetration of U.S., Western and Chinese influence, keeping Kazakhstan's transport routes for energy exports under Russian control, gaining Kazakhstan's cooperation in defining the status of the Caspian Sea, and using grievances by Kazakhstan's Russian and Slavic population as a lever to pressure the country's leadership for strategic ends. For example, Russians in Kazakhstan have long complained of discrimination and rumors of the possible secession to Russia of Russian-populated northern districts have been a cause for concern. Under Yeltsin, Moscow has not seriously supported such initiatives; a more nationalist or adventurous president in the Kremlin might not be so restrained. Even if he were, Nazarbaev has developed over the last decade good working relations with Yeltsin; he will not have the same close ties to his successor.

It is unclear when Nazarbaev actually decided to proceed with a pre-term election, but on May 8, he prepared the ground: an amendment to the 1993 decree governing the holding of presidential elections banned anyone guilty of administrative transgressions from running for any office for a year. The newly adopted restriction undercut virtually all potential challengers from the opposition camp, who had been or were likely to be involved in unsanctioned gatherings, or who could be easily arrested or fined for minor infractions.

On September 29, Nazarbaev met with Kazhegeldin in Astana, the capital, but the two could not come to terms on the timing and legal framework of holding elections. According to Kazhegeldin, they also disagreed about constitutional reforms, such as introducing the position of vice president. The same day, Kazhegeldin stepped down as chairman of the Union of Industrialists and Entrepreneurs, obviously intending to become more active in politics.

On September 30, in his annual address to the country, Nazarbaev announced a wide-ranging democratization program that called, *inter alia*, for more power to parliament (for example, the right to change the constitution—hitherto a presidential prerogative), strengthening the role of political parties by adding 10 seats to parliament's lower chamber, which parties could contest on a proportional basis, and giving more leeway to the opposition. He also stated that authoritarianism of any kind in Kazakhstan would be "the road to nowhere."⁶

Having bolstered his democratic credentials, Nazarbaev set the election plan in motion one week later, when his pocket parliament raised the issue of the date. Some deputies urged pre-term elections, which would not be overshadowed by Russia's 2000 presidential poll, and would save Kazakhstan from the socio-economic instability in Russia.⁷ Nazarbaev demurred at first, but then yielded to their entreat-

⁶ Nazarbaev's other proposed measures included: electoral reforms to facilitate the participation of religious parties in elections, making ministers more accountable to parliament, stepping down as the Supreme Court's chairman, and privatizing some state-owned media. (Reuters, September 30, 1998.)

⁷ *Central Asia Monitor*, No. 6, 1998.

ies, which let him seem to be complying with the will of the people's representatives and adhere to formal legality. On October 7, 1998, parliament passed 19 amendments. Among other things, they extended the president's term in office from five to seven years, eliminated the age limit of 65 to hold the office, and abolished the 50-percent minimum turnout requirement. On October 8, parliament called elections for January 10, 1999—almost two years earlier than planned.

In preparation for the election—whenever it took place—opposition activists hoping to establish ground rules and safeguards for a fair contest had founded a movement in September called “For Free Elections.” They applied to the Ministry of Justice for registration, but received no reply. On October 2, Kazhegeldin addressed the still unregistered organization. His October 9 announcement that he planned to run for president elicited a range of reactions. On October 13, Kazhegeldin reported that someone had fired a shot at him on the outskirts of Almaty. Undeterred, he formally announced his candidacy the next day. On October 15, a local court convicted Kazhegeldin, then out of the country, of having violated the law by addressing “For Free Elections” and fined him. The conviction, according to the May 8 amendments, meant that he could not run for any elected office for a year. On October 27, the court turned down Kazhegeldin's appeal and also cited him for contempt, for not having appeared in court. The Central Election Commission (CEC) subsequently issued a decision that he was not eligible to run in the election.⁸

In late October, Kazhegeldin came to the United States to publicize conditions in Kazakhstan and plead his cause. His efforts resulted in editorials on November 9 in the *New York Times* and the *Washington Post*, which strongly criticized Nazarbaev's blatant campaign to ensure his reelection by excluding Kazhegeldin.⁹ The editorials sparked a public relations war in the West between Kazhegeldin and Nazarbaev which continued throughout the campaign. Nazarbaev struck back, accusing Kazhegeldin of being a KGB agent,¹⁰ of having staged the September 26 firebombing of *21st Century* and the October 13 shooting incident, and of large-scale corruption. Targeting American public opinion, full-page ads appeared in leading U.S. newspapers, proclaiming that “In just seven years, we transformed ourselves from an authoritarian regime into a growing democracy.” Among the specific achievements claimed were “a tradition of free and fair elections” and “the transition to a wide range of privately owned newspapers, magazines broadcast networks and stations.” Other advertisements announced that “we melded over 100 different peoples into one harmonious nation,” “we transformed a state-controlled economy into a vibrant free market,” and “we unilaterally disarmed the fourth largest nuclear arsenal on earth.” U.S. Government and Congressional offices, as well as NGOs, received a videocassette of a broadcast on Kazakstani TV of interviews with presidential candidates who had been registered, to show how democratic the upcoming election was.

With the public relations war going in Kazhegeldin's favor and Nazarbaev's image as a moderate, relatively progressive Central Asian leader at stake, it seemed he might allow his rival to register as a candidate, if only to salvage his own reputation. In mid-November, Nazarbaev appeared to toy with the

⁸ Three days earlier, a woman doing public relations for Kazhegeldin was beaten; the same happened to his press secretary in August.

⁹ The *New York Times* called Kazakhstan's president a “thinly disguised dictator who stages elections he has no chance of losing.”

¹⁰ On September 5, 1997, Kazhegeldin published an article in *Karavan*, acknowledging that he had, in fact, worked for the KGB in the past.

prospect. Declaring that he wanted Kazhegeldin to run, Nazarbaev pledged to “ask” the Supreme Court to lift the exclusion, although he coyly noted that because of constitutionally-mandated separation of powers, he could not interfere in the work of the judicial branch. On November 24, however, the Supreme Court upheld the lower court’s decision precluding a Kazhegeldin candidacy.

Kazhegeldin’s exclusion removed any element of suspense or fairness from the election. On December 3, after a November 16-20 fact-finding mission to Kazakhstan, the OSCE’s Warsaw-based Office for Democratic Institutions and Human Rights (ODIHR) issued a strongly critical statement that cited the brief time allotted for a campaign, intimidation of voters, restrictions on freedom of assembly and the media, as well as the barring of would-be candidates on trivial administrative grounds. ODIHR concluded that conditions did not exist for holding free and fair elections and urged Kazakhstan to put off the election until such conditions were in place. Kazakhstani authorities refused, characterizing such suggestions as interference in their internal affairs and maintaining that a postponement of the election would violate the country’s law.

Beginning in October, the U.S. Department of State also issued a series of critical statements, of ever increasing severity, about the election process. On December 22, several men attacked a Kazakh national who works in the U.S. Embassy in Almaty, where he is responsible for maintaining contacts with the opposition. The assailants took the individual’s briefcase, but left his money alone. Opposition activists have occasionally been beaten up (for example, Pyotr Svoik was beaten while in Bishkek, Kyrgyzstan, in December 1997), but this was the first assault on anyone connected with the U.S. Embassy.¹¹ The violence, which stunned the Embassy and the international community in Almaty, demonstrated how far some circles in Kazakhstan were prepared to go to intimidate local and foreign critical voices.

ELECTION LAW

There was no law per se; instead, a January 1993 presidential decree, as amended by further changes adopted in May 1998, laid out the provisions. The requirements for registration as a presidential candidate were extremely high and, considering the short time allotted, clearly designed to limit the field artificially. Candidates needed to gather about 170,000 signatures from no fewer than two-thirds of the country’s regions. They also had to deposit a *non-refundable fee out of their own funds* of about \$30,000, an astronomical sum for Kazakhstan. Other requirements included providing a mental health certificate and passing a Kazakh language test. A candidate needed 50 percent-plus-one of the valid vote to win.

The four candidates received a free 15-minute campaign spot on state television and 10 minutes on radio; those with the necessary means could buy more air time. Candidates could also publish two articles—one in Kazakh, the other in Russian—in state-owned newspapers. Dariga Nazarbaeva, the president’s daughter, announced on November 6 that she would temporarily step down as head of *Khabar* television network, in the interests of impartiality.

¹¹ In 1994, the director of the Almaty office of the Washington-based International Republican Institute was also badly beaten.

CANDIDATES AND THEIR PLATFORMS

Kazhegeldin was not the only would-be candidate barred from running. On November 13, the CEC disqualified Asylbek Amantai on the grounds that he was sentenced in February—*before Nazarbaev's May 8 decree* excluding anyone sentenced for any transgression from running for office—for violating the regulations for holding meetings. Mels Elusinov, head of the Green Party, suffered the same fate on November 19.

On November 30, the CEC registered four candidates: Nursultan Nazarbaev; Serokbolsyn Abdildin; Gani Kasymov; and Engels Gabbasov. Neither Kasymov, head of the Customs Committee, nor Gabbasov, a Senator (member of parliament's upper chamber), was involved previously in presidential politics and neither had indicated a desire to run for that office. Though both of them—especially Kasymov—developed campaign personalities, neither criticized Nazarbaev or his policies. That they did contest the presidency, in a race they had not the slightest chance of winning and whose outcome was obviously predetermined, indicates that they were both acting on instruction from above, in orchestrated candidacies.

Nursultan Nazarbaev: Having ruled Kazakstan since 1989, the incumbent president ran on his record, stressing his experience and promising more of the stability Kazakstan has known, in contrast to some other former Soviet republics. Nazarbaev argued it made no sense to change horses in midstream, before his reforms had come to full fruition. He pointed to economic successes to date, such as low inflation, the privatization of most industries and farms, and over 120,000 new businesses. Nazarbaev reminded voters that Kazakstan had received about \$11 billion in foreign investment so far. He also vowed to combat corruption, announcing in November that charges had been brought against more than 300 officials.

Nazarbaev affirmed that economic reforms would continue. In December, he announced that a law would be drafted to allow private ownership of farm land. He also said banks, industrial facilities and companies in the energy sector must be privately owned, although railways, power transmission lines and oil and gas pipelines would remain in government hands.¹²

At the same time, he warned voters that 1999 would be a very difficult year in economic terms. World prices for the commodities Kazakstan produces and relies on for revenue—specifically, oil, gold, cotton, copper—have plunged, meaning hard times ahead. Nazarbaev reassured the public, however, that under his leadership, Kazakstan would pull through the crisis and continue on the road to prosperity. The crises in Russia and Asia, he said, would not lead to economic collapse in Kazakstan, citing his success in getting large loans from the International Monetary Fund.

Nazarbaev maintained that the participation of three other contenders proved the democratic nature of the contest. He said Kazakstan was proceeding towards democracy at its own pace, according to its own traditions and mentality, but that the end goal was not in doubt.

Russian and Kazak rock bands toured the country, exhorting the public to vote for the incumbent. Billboards of Nazarbaev were ubiquitous around Almaty, and presumably the rest of the country. They generally showed him with workers, miners and children; the message was “we know him, we trust him.” Helsinki Commission staff saw no posters for any other candidates in the course of a week.¹³

¹² Interfax, December 7, 1998.

¹³ According to opposition sources, the cost of over 200 Nazarbaev billboards, estimated at \$950,000, far exceeded the amount candidates could spend on their entire campaigns, including television air time.

Serokbolsyn Abdildin: The leader of Kazakhstan's Communist Party was presumably allowed to run for two reasons: first, considering the large number of Russians and poverty-stricken people of all nationalities in the country, it would have been too implausible, even in such a flawed election, not to have a communist candidate. Second, any communist running for president would make Nazarbaev look good, in the eyes of western investors or anyone concerned about resurgent communist influence in former Soviet republics.

Though Kazhegeldin asked Abdildin to withdraw, so that the race would be even more manifestly a sham, Abdildin refused, saying the fate of the nation was at stake.¹⁴ He focused attention on the millions of unemployed, the collapse of industry, the farm workers turned into beggars and the ever-widening chasm between rich and poor. Abdildin urged the creation of conditions necessary for small and medium-sized business and promised not to renationalize privatized companies, although some sectors, such as electricity and transport, would remain in state hands.

Abdildin called for reducing the powers of the presidency and increasing those of parliament and the judiciary. Acknowledging his ties to communists in Russia and elsewhere in the CIS, he maintained it was impossible to recreate the USSR but argued that a "restored union" is necessary.

Gani Kasymov: The most idiosyncratic of the candidates was the chairman of the National Customs Committee. As it was apparently decided to register only three candidates to run against Nazarbaev, Kasymov had to play a dual role, by bringing to Kazakstani politics the political personae of two Russian politicians in a scripted farce: his military background and booming voice immediately brought to mind Alexander Lebed, while he behaved like Vladimir Zhirinovskiy, imitating the latter's television studio behavior by throwing a flower vase at a questioner and crushing a wine glass in his bare hand. Kasymov's spoken Kazak was so poor that commentators openly wondered how he had passed the language test for candidates.

When discussing policy matters, Kasymov commiserated with the poverty endured by the great bulk of the population. He railed against government corruption and officials' lack of accountability, without attacking Nazarbaev directly. Kasymov emphasized the need to pay wages and pensions on time, revamp the tax system and restore agricultural production. He also called for parliament to elect the prime minister, pledged an unrelenting fight against corruption, and promised that he and his team knew how to reestablish order and discipline.

Engels Gabbasov: Senator Gabbasov was best known for his meteorological expertise. He angrily denied that he was running at someone's instruction or behest, however, or that he was unknown in the country at large.

Gabbasov primarily focused on Kazakhstan's disastrous environmental problems. He said he would close military test-sites used by Russian armed forces and try to shut down the Baikonur space center, which Russia leases from Kazakhstan. To address the decline of agriculture, Gabbasov advocated giving peasants preferential rates for energy and electricity, and introducing small business practices in the countryside.

¹⁴ Representatives of Russian, Slavic and Cossack organizations also appealed on December 20 to Abdildin, Kasymov and Gabbasov to drop out of the race, which they denounced as anti-democratic and illegitimate.

RESULTS

On January 11, the Central Election Commission released preliminary tallies, which gave Nazarbaev 78.3 percent. According to the final figures subsequently announced by the CEC, Nazarbaev got 81.7 percent; Abdildin, 12 percent; Kasymov, 4.7 percent; and Gabbasov, 0.7 percent. Officially reported turnout was about 86 percent.

OSCE/ODIHR ASSESSMENT

On January 11, the OSCE/ODIHR mission read its preliminary assessment at a press conference in Almaty.¹⁵ Citing infringements on the right of citizens to seek public office, i.e., the exclusion of candidates for minor administrative transgressions, as well as the artificial brevity of the campaign, restrictions on freedom of assembly and association, the open support by state organs for the incumbent and biased media coverage, the mission concluded that Kazakhstan's presidential elections fell far short of international standards.¹⁶

One month later, OSCE/ODIHR released its final report on the election, which elaborated on the above shortcomings. The report also noted that election commissions at all levels are controlled by the president. Among the few positive points in the election were the CEC's organizational efforts and voter education, as well as calm and orderly voting, despite "credible reports of irregularities, including proxy voting." In addition, local election officials sometimes refused to let observers, including OSCE/ODIHR Mission members, monitor the vote count. Even when admitted to the count, they were often not allowed to see the protocol. OSCE/ODIHR's final judgement was that "the election process fell far short of the standards to which the Republic of Kazakhstan is committed as an OSCE participating state."

The European Institute for the Media, which studied media coverage of the candidates between December 21, 1998 and January 10, 1999, acknowledged that state-run television provided all the candidates the allocated free air time and allowed them to buy more. However, "most media outlets chose not to challenge or seriously question some of the obvious flaws in the process, notably the abrupt changes in the electoral law." Analyzing the uneven amounts of time given to the candidates and the tone of the coverage, EIM concluded that state media were biased towards the incumbent, whereas privately-owned media did not provide an alternative source of information.

CONCLUSIONS AND PROJECTIONS

Democratization: ODIHR's December 3 statement calling for a postponement of the election remarked that Kazakhstan had "so far been one of the leaders in democratic reforms in Central Asia." In fact, Kazakhstan's progress took place in the first few years of independence, when the press was relatively free, and political parties and numerous NGOs emerged. Throughout, however, Nursultan Nazarbaev's concentration of power, his emasculation of all branches of government, the stifling of any uncontrolled social initiatives from below and the elimination of any possible rivals have all been as relentless as elsewhere in Central Asia. The limited freedom of expression and assembly which remain have been carefully calibrated so as not to threaten his control of the political system. Fortunately for

¹⁵ Though Astana (previously Akmolá) is the new capital and many government agencies have been moved there, most foreign embassies and international organizations have remained in Almaty.

¹⁶ ODIHR's assessment was published in some Kazakstani newspapers, including the opposition-oriented *451 Fahr-enheit* and *21st Century*, as well as *Delovaya Nedel'ya* (Business Week). Also, some television stations in Russia, which can still be seen in Kazakhstan, broadcast reports on ODIHR's negative judgement of the election.

Nazarbaev, the leaders of Uzbekistan and especially Turkmenistan are even much more repressive than he, which makes him look better by comparison, while Tajikistan's recent history allows him to point to stability as the supreme good.

Nazarbaev has, of course, assimilated the lexicon of democratization, which, he maintains, is his ultimate goal. Rhetoric and ambitious programs notwithstanding, Nazarbaev on November 16 clarified that democratization will be slow in Kazakhstan because of the absence of democratic traditions. In fact, he argued, "Kazakhstan is rich in autocratic traditions because it has been through 300 years of tsarism and 75 years of Soviet government." The day after the January election, Nazarbaev said the country's first contested election was "a serious step towards greater democracy." But he indicated his real attitude in a post-election press conference. Recalling Soviet practices, when 99.9 percent of the electorate would turn out to give 99.9 percent of the vote to whatever initiative or candidate the Communist Party was promoting, he said: "We have allowed democracy to advance by 20 percent."¹⁷ Apart from brazen cynicism, the remark, based on his vote tally of 81.7 percent, indicates merely sensitivity to Western sensibilities and OSCE expectations, as well as, perhaps, the input of Western public relations firms.

The election could have been an opportunity to bolster Kazakhstan's flagging democratization. Instead of allowing a real contest, however, Nazarbaev chose to stage a flagrantly flawed vote that left nothing to chance. His conduct of the election has undoubtedly deepened the disillusionment already widespread in Kazakhstan with "democracy," which for many people in the former USSR has become a term of abuse or derision. Opposition spokesmen and human rights activists characterized official claims of 86 percent turnout as laughable.¹⁸ Given the age of Azerbaijan's President Heydar Aliiev and Georgia's Eduard Shevardnadze, the prospects for democracy—i.e., the right of citizens to choose who governs them—and a peaceful, orderly transfer of power via fair elections in the Caucasus will become clearer in the next few years, as this generation of leaders leaves the scene. Central Asian leaders are younger, though considering life-expectancy for post-Soviet males, transitions may come sooner than expected. Unfortunately, Nazarbaev has in the last few years done much to dash the hopes fostered by Kazakhstan's initial relative liberalism that Uzbek and Turkmen-style repression was not inevitable for Central Asia.

Indeed, one of the most disturbing aspects of Kazakhstan's turn towards repression is the influence Almaty wields on Bishkek. Though Kyrgyzstan's reputation has been tarnished since the early 1990s, it remains the most liberal and democratic country in the region, with a parliament not wholly subservient to President Askar Akaev and an independent press, which, though under frequent attack, continues to function. Nazarbaev's crackdown is an unfortunate example for Akaev. In fact, the two are now related by marriage: last summer, Nazarbaev's daughter married Akaev's son in what seemed a formalization of dynastic alliances, and perhaps even the attempted establishment of royal families. Even if Akaev were willing to leave office voluntarily—unlikely, considering his evident desire to run for a third term and last June's ruling by Kyrgyzstan's Constitutional Court that he can do so—the precedent would be very unappetizing to Nazarbaev and Uzbekistan's Islam Karimov. Both of them would surely pressure their neighbor to remain at his post.

¹⁷ Reuters, January 15, 1999.

¹⁸ A survey of voters in December revealed that most—54 percent—were uninterested in the election. *The Globe/Vremya Po*, January 8, 1999.

Nursultan Nazarbaev: As expected, Nazarbaev was reelected in a landslide. His position inside Kazakhstan and his grip on the government and apparatus of repression remain strong. He has no obvious challengers, except Kazhegeldin, and has convincingly demonstrated that he will not allow any to emerge.

Nevertheless, Nazarbaev's image has suffered severely as a result of the January 10 election, which international organizations and the U.S. Government have denounced. He used to have the reputation of a moderate, relatively progressive leader; editorials in major Western newspapers now paint him as a typical Central Asian dictator, in the same category as Uzbekistan's Karimov and Turkmenistan's Niyazov. He may not have expected such a harsh reaction, considering how leniently he has been treated up to now and his apparent belief that Western governments' strategic and energy considerations would outweigh their rhetoric on fair elections. There is some reason to believe the condemnation may have had the desired effect (see below).

Nazarbaev's official election results merit commentary. His 81.7 percent exceeded the 75 percent of Georgia's Eduard Shevardnadze in 1995 and the 76 percent of Azerbaijan's Heydar Aliiev in 1998. Nevertheless, Nazarbaev clearly sees that in Kazakhstan (if not elsewhere in Central Asia), the days of 99-percent affirmations are over and that especially for Western governments and publics, communist-era shows of electoral unanimity are counterproductive. The preliminary results gave him 78.3 percent, which would have been remarkably low for a Central Asian leader and a precipitous drop from his last electoral triumph in 1995. Perhaps the prospect of his name in newspaper headlines next to any figure in the 70s was just too unpalatable to bear, which might explain the tugging of the final figure upward into the 80s.

Many analysts were puzzled at Nazarbaev's determination to stack the deck and take such heat from the OSCE and Washington, when, they supposed, he would easily have won anyway.¹⁹ Nazarbaev's electoral pluses include his experience, Kazakhstan's overall stability in a volatile region and the absence of open hostility, despite ethnic tensions. All these advantages would be magnified in a region where voters have low expectations, are not politically galvanized and are primarily concerned about survival. For example, some voters told Reuters (January 11, 1999) they had cast ballots for Nazarbaev because he offered stability and kept peace between Kazaks and Russians. Among his negatives, on the other hand, are serious widespread dissatisfaction—20 percent, even according to official tallies—general impoverishment of the population, the failure of state organs to provide basic services and salaries, growing resentment over Nazarbaev's obvious intention never to leave office and the prominence of his relatives in high government positions that also offer substantial opportunities for enrichment.

The presumption that Nazarbaev would easily win a fair contest is quite common. But without a genuine election, which also serves as a public opinion poll, it is impossible to know how many people would actually turn out or would vote for Nazarbaev against any other candidates. Recent experience in Azerbaijan may be illustrative. Until last October's election, most observers believed Heydar Aliiev could fairly win by a large margin. Yet Azerbaijan's Central Election Commission has to this day failed to publish election protocols from precincts, a sign that his actual figures were embarrassingly low, and not enough for a first-round victory. Most analysts of Azerbaijani politics assume Aliiev's surprising election travails reflected widespread voter discontent. The same could be true in Kazakhstan.

¹⁹ *The Economist* (January 16, 1999) offered a typical such view: Nazarbaev "is genuinely popular and probably would have won even without help."

In any event, Nazarbaev has demonstrated that his approach to elections is to avoid any risks at all costs. Until 1999, he never faced any rivals. His deliberate exclusion of Kazhegeldin and orchestration of the 1999 election indicate a lack of confidence in his own popularity. Perhaps he believes voters are only unhappy enough to return him to office by the unacceptably low figure of 60 percent, which would be a matter of pride—or maybe he fears they would vote for someone else altogether. Whatever the reason, he obviously preferred barring Kazhegeldin to letting him run and then rig the outcome, another manner of winning reelection. Allowing a Kazhegeldin candidacy would have meant galvanizing the entire opposition, giving him access to the media, allowing him to meet with voters around the country, and thus possibly become an actual alternative to Nazarbaev, around whom all dissatisfied groups could coalesce. Even had Kazhegeldin come in a distant second, his status as a credible challenger would have been enhanced, whereas Nazarbaev hopes to discredit him and remove him from Kazakhstan's politics.

In this connection, the widely held view that Nazarbaev wanted to run for reelection now, rather than wait for 2000, when economic conditions are likely to be worse or an aggressive nationalist inhabits the Kremlin, begs an obvious question: considering his tight grip on the state, what difference would it make when he ran? Even if the economy declined further, Nazarbaev could have manipulated the 2000 election campaign and the results. It would take extraordinary circumstances, such as mass uprisings and demonstrations, to put him in danger—and if that happened, his having won an election in January 1999 would not necessarily help. Nevertheless, Nazarbaev appears to have calculated that winning reelection now, for seven more years, would at least eliminate one possible problem in what may be a very uncertain future.

Sergei Tereshchenko, a former prime minister who ran Nazarbaev's campaign, told reporters after the election that the president would be a candidate again in 2006. Based on past experience, there was no reason to expect anything else.²⁰

Akezhan Kazhegeldin: On December 17, former Prime Minister Kazhegeldin was elected chairman of the Republican People's Party, which held its founding congress that day. The social-democratic oriented RPP advocates a redistribution of power among the branches of government, creating a strong parliament and cabinet, fostering an independent judiciary, as well as introducing local self-government. Other key RPP goals are promoting the independence of the mass media and creating mechanisms to ensure fair elections.

Kazhegeldin is, of course, not the only serious opposition politician in Kazakhstan but he is Nazarbaev's most serious challenger. An insider, rich, with residual contacts in the bureaucracy and among local officials, he more than any other figure poses a real threat to Nazarbaev's monopolization of power, and to the likelihood that Nazarbaev will not only strive to remain in office forever, but will then try to install some relative as successor.

In January 1999, the RPP submitted its application for registration to the Ministry of Justice, which according to law, was supposed to reply within 15 days. On February 3, the Ministry suspended its consideration of the application. Expecting the worst, RPP leaders had still hoped to participate in the

²⁰ A taxi-driver told a Western correspondent that Nazarbaev "isn't a president anymore....He's some kind of sultan." Steve Levine, "Is 90 Percent of Vote Suspicious? Charge Puzzles Kazakh Leader," *New York Times*, December 6, 1999 .

upcoming parliamentary and local elections by running candidates as representatives of other, legal organizations, and hoping that Nazarbaev would allow, if only for the sake of appearances, some opposition in parliament.²¹

Surprisingly, however, on March 1, the Ministry registered the Republican People's Party, as well as the movement For Free Elections. Clearly, only Nazarbaev himself could have made the decision, which was most likely a response to OSCE and especially U.S. pressure. The newly registered RPP can now openly compete for the 10 seats (of 77) set aside for proportional voting in the next parliamentary election—unless responding to official harassment occupies all its time. Various commentators had speculated that the elections, like the presidential contest, could be moved up to put the RPP at a disadvantage,²² or may not be held until next year, considering last October's constitutional amendments extending the terms of president and parliament. But on March 31, Nazarbaev told parliament the election would take place in October. His assurances about the date of a parliamentary race are probably more reliable than his pledge in October 1997 to run for reelection as scheduled in 2000.

Having sought the presidency, Kazhegeldin may not want a parliamentary seat. Even if he does, though his party is now legal, his prior conviction bars him from running, unless the May 8 amendments are annulled, now that Nazarbaev has safely been reelected (or unless the election is held after October 15, 1999). In either case, Kazhegeldin, like other opposition leaders in exile from repressive countries, faces a difficult choice: to remain abroad and try to lead Kazakhstan's opposition movement from afar or to return and risk imprisonment. There are currently no criminal charges against him, despite frequent rumors of their imminent announcement, but filing such accusations against inconvenient people in Kazakhstan would present no great difficulty. In fact, a jail term might not be the worst possibility facing Kazhegeldin: his lawyers have written to Nazarbaev, complaining about death threats Kazhegeldin has received but have gotten no response.

The registration of the Republican People's Party opens the door, if only slightly, to actual electoral politics in Kazakhstan, as opposed to posturing in a very unequal contest. Nevertheless, considering all the players' perception of Western and especially U.S. influence, Kazhegeldin, who has no recourse to Kazakhstan's agencies of government or expectation of impartial administration of justice in his homeland, will appeal to Western capitals, particularly Washington, to keep pressing Nazarbaev. Nazarbaev, for his part, must calculate how far he is willing to go to accommodate OSCE commitments on democratization and American pressure without giving his opponent too much leeway for comfort. Both have demonstrated they are willing to expend resources to win credibility abroad and influence public opinion.

Government-Opposition Relations: The registration application from the RPP was especially sensitive because of the party's association with Kazhegeldin, but bureaucratic obstructionism exemplifies the regime's attitude towards all opposition, especially attempts at organized political activity. For example, not until March 1999 did the Ministry of Justice respond to the registration application from *Orleo*, a new opposition movement headed by Seidakhmet Kuttykadam, which submitted the required documentation in November 1998.²³ Pro-government parties and organizations, by telling contrast, are quickly registered.

²¹ Kazhegeldin told a Western correspondent, "It will be a victory if eight or nine democrats can sit in the parliament. Then we can start to influence events." (Reuters, December 4, 1998.)

²² *Nezavisimaya Gazeta*, February 19, 1999.

²³ The movement was registered only in the city of Almaty, as it had requested, not country-wide.

Leaders of the opposition movement *Azamat*—Pyotr Svoik, Marat Auezov and Galim Abilsiitov—could not have run in the presidential election for the same flimsy legal reason that excluded Kazhegeldin. In a conversation with Helsinki Commission staff, Svoik indicated there is little hope of genuine opposition under current conditions, and it is better to try getting along with Nazarbaev. Nevertheless, *Azamat* intends to seek registration as a party. Despite longstanding strains between its three co-chairmen and Kazhegeldin, they may agree to a temporary tactical alliance in upcoming parliamentary elections; *Orleo* may do the same.²⁴ Serokbolsyn Abdildin, for his part, alleged the vote and results in the January poll had been falsified, and will surely enter the lists in parliamentary and local elections. It is less likely that the communists will also join forces with the Republican People's Party. Given Abdildin's official 12 percent figure in January, his party will presumably win some seats, although Kazakhstan's communists are apparently rent by divisions that could cost them at the polls.

Analyzing the prospects of these various parties assumes that the parliamentary elections are not completely farcical. In any case, the splintered opposition faces formidable competition from *Otan*, a new party uniting pro-government parties and organizations. Nazarbaev attended *Otan*'s founding congress on March 1 in Almaty, where delegates unanimously elected him chairman. He declined to accept, pointing to constitutional restrictions on the president's affiliation with political parties, and the assembled activists accepted his recommendation that former Prime Minister Sergei Tereshchenko be chairman. The Liberal Movement, the National Unity Party and the Democratic Party, all of which were founded by government bureaucrats to create the facade of multi-party democracy,²⁵ have merged with *Otan*, whose general goal is "to support the reforms under way in the country."

Obviously, *Otan* is Nazarbaev's new vehicle to tighten his grip on the legislature, where its dominance is assured, barring extraordinary developments. Less clear is whether opposition forces will be allowed any voice—after all, even according to official figures, 20 percent of the electorate voted for someone other than Nazarbaev—or whether they will be effectively marginalized or barred. Even if Nazarbaev implements his program to give parliament more authority, real power will undoubtedly remain in his hands. He may therefore permit fairer elections to a body with few prerogatives, which OSCE and Western capitals would consider a sign of progress. Thus, in his March 31 address to parliament, Nazarbaev announced new laws which will lower fees and simplify registration procedures for parties, which he urged to participate. In an apparent reference to the explosions in Tashkent in February, Nazarbaev said that terrorism emerges where the authorities cannot have a dialogue with various opposition forces, and where conditions have not been created for a free and open expression of interests.

These conciliatory remarks would seem to reflect the confidence of a newly reelected president, willing to make concessions on matters less than vital. Nevertheless, if Nazarbaev fears that Kazhegeldin would be strengthened by a parliamentary faction acting in his interests, he could move to split the opposition by favoring the less threatening communists and possibly *Azamat* but keep the RPP out.

²⁴ *Nezavisimaya Gazeta*, March 18, 1999. In October 1997, *Azamat*'s leaders publicly accused Kazhegeldin of corruption and selling off the country's assets to foreigners (*Karavan*, October 3, 1997). Kazhegeldin's representatives, in turn, accuse *Azamat* of selling out to Nazarbaev.

²⁵ *Nezavisimaya Gazeta*, February 19, 1999.

On March 31, Nazarbaev also mentioned a new law on the media as part of an overall democratization program, as well as the need to continue economic reforms. However, privatizing media outlets already controlled by friendly individuals or groups—if that is what he intends—will not protect freedom of expression. Meanwhile, with electronic media securely in government hands, the only question is whether the authorities will close the few remaining independent and opposition newspapers or allow them to survive, if under constant pressure, to show Western capitals that Kazakhstan is more democratic than Uzbekistan or Turkmenistan. Especially noteworthy is the fate of *Respublika*, the newspaper of Kazhegeldin's Republican People's Party. The Ministry of Justice has not registered the paper, which submitted the necessary documents in August 1998. Attempts to settle the matter in court have been unsuccessful, due to endless delays and typical stalling tactics by the authorities.

As for protests and demonstrations, the 1995 decree requiring official permission remains in effect. The authorities have given no sign they intend to liberalize either the legislative framework for freedom of assembly or its administration. Participants in unsanctioned rallies will therefore continue to risk fines and imprisonment. Disgruntled workers have in the last few years organized major protest marches, some of which involved thousands of people, and the need to keep tight reins on such initiatives will remain a priority in the runup to a parliamentary election.

Economy: During the campaign, Nazarbaev repeatedly cautioned voters that 1999 would be a “crisis year.” In February, Prime Minister Balgimbaev announced a plan to cut spending in the 1999 budget by 31 billion *tenge* (the exchange rate was 85 *tenge* per dollar) because of falling prices for Kazakhstan's exports. He proposed cutting benefits and pensions, which he described as “excessive,” and slashing staff in government agencies. Otherwise, Balgimbaev said Kazakhstan could “suffer a collapse similar to those in neighboring states.”²⁶

Addressing the founding congress of *Otan* on March 1, Nazarbaev repeated his warning that demand for Kazakhstan's raw materials had dropped as a result of the global economic crisis and that economic growth “is going to slow down even further.” On March 11, Finance Minister Zhandosov informed parliament that revenues for January and February were 25 percent lower than expected. He elaborated that production was down because of falling Russian demand, low oil prices and diminished revenues from privatization and excise taxes. Parliament has been debating a 10 percent cut in social services, which would essentially legalize what has already happened.

Nazarbaev continually offers assurances that the government has taken appropriate steps to maintain stability while continuing reforms. Nevertheless, the most serious threat to him is not the weak and divided opposition, but the prospect of popular disturbances due to economic discontent. Some opposition leaders' approach is “the worse, the better”—expecting that the *tenge* will have to be devalued, they predict an Indonesia-type scenario which will lead to Nazarbaev's fall within the next few years. But Kazakstanis have remained very restrained while enduring plummeting living standards. It will take an extraordinary combination of events and catalysts to overcome widespread resignation, indifference to politics, and fear of the security organs. Still, if the economy deteriorates further and people become desperate, patience may run out.

²⁶ Interfax-Kazakhstan, February 3, 1999.

Russo-Kazakstani Relations: Concerns about Russia's future leader may have helped impel Nazarbaev to speed up the election, but current President Boris Yeltsin was extremely supportive. He immediately called to congratulate Nazarbaev on his victory, which the Russian-led CIS Parliamentary Assembly observers also applauded. Before the election, Russian Prime Minister Evgenyi Primakov visited Kazakhstan, which bolstered Nazarbaev's standing, and the Russian Government newspaper *Rossiiskaya Gazeta* obligingly published an article about Kazhegeldin's alleged property holdings in Belgium.²⁷ In contrast to Washington, then, and to various Russian politicians and privately-owned newspapers, official Moscow had only public praise for Kazakhstan's election and its president. At the January 14, 1999 meeting of the OSCE's Permanent Council, Russia's representative rejected criticism of the election, which, he said, demonstrated that Kazakhstan's voters overwhelmingly support Nazarbaev.²⁸

This solicitude reflects a variety of interests. First of all, many Russians, including officials, openly express doubts about Central Asians' ability and willingness to build democratic states, as well as their overall level of civilization; as one Russian interlocutor in Almaty told Helsinki Commission staff, in a typical judgment, "they left their yurts to enter the international arena." Second, official Russian reluctance to criticize Kazakhstan and other Central Asian states contrasts sharply with the hectoring lectures about democracy their leaders must tolerate from Washington. In short, except for the Baltic states, which Moscow has attacked consistently for their citizenship and language laws, Russia's Government has been noticeably silent about the human rights lapses of its former colonies. With the United States and other Western powers spreading their influence into a region Moscow considers its own, Russian officials are loath to complicate their relations with leaders already suspicious of Russian acceptance of their independence.

Kazakhstan, for its part, with an almost 7000-kilometer border with Russia, a very large Russian population and concerns about Chinese designs on its territory, cannot afford bad relations with its giant neighbor to the north. Nazarbaev maintains that Russian-Kazakstani ties are "on a very good level" and there are no "unsolved problems casting a shadow on our relations."²⁹ In July, the two countries signed a declaration of eternal friendship and cooperation. They have reached agreement on the legal status of the Caspian Sea and settled financial disputes, including those related to the Baikonur space center. Given Kazakhstan's precarious economic situation, Primakov agreed to limit the flow of cheap Russian goods to Kazakhstan and Moscow has raised the quotas for Kazakstani oil to transit through Russia to countries outside the CIS. Unlike Uzbekistan, Georgia and Azerbaijan, Kazakhstan has not threatened to withdraw from the CIS Collective Security Treaty, though Foreign Minister Tokaev has called for its revision.

Nevertheless, some irritants remain in the relationship. Nazarbaev has resisted Moscow's demands to introduce dual citizenship and to make Russian the country's second state language. More important, Nazarbaev has insisted on exploring oil pipeline options to the West that bypass Russia. The Russo-

²⁷ Kazhegeldin has denied owning property in Belgium and has produced affidavits from Belgian officials to that effect.

²⁸ Uzbekistan echoed these views, while Kyrgyzstan's delegate noted that the establishment of democracy in Central Asia is a complex and long-term project. Belarus also gave strong backing to Nazarbaev; in fact, Minsk has adopted one of his tactics, by barring anyone convicted of even minor offenses from running in elections (*Jamestown Monitor*, December 18, 1998).

²⁹ Interfax, February 25, 1999.

Kazakstani agreement on the Caspian Sea has not won over Azerbaijan and Turkmenistan and may or may not be implemented. These unresolved issues, which threaten Russia's grip on Kazakstan, may yet move Russian leaders to intensify pressure on Nazarbaev.

OSCE/ODIHR: ODIHR's December 3 statement that the conditions did not exist to hold democratic elections and urging a postponement was a strong condemnation of the election, by OSCE standards. True, the decision not to send an observer mission was not unprecedented. OSCE declined to dispatch monitors to war-ravaged Tajikistan, for example, during the February 1995 election, and refused to observe the November 1996 referendum in Belarus, which extended President Aleksandr Lukashenka's term in office. But ODIHR's implied equation between Kazakstan and chaotic Tajikistan, on the one hand, and on the other, Belarus, the most repressive country in Europe, must have stung Nazarbaev, who prides himself on maintaining both stability and a progressive image.

OSCE's post-election assessment was also unusually blunt. ODIHR's judgement of recent elections in southern CIS countries, for example, was they did "not meet" (Armenia, 1998) or "fell short of meeting" (Azerbaijan, 1998) OSCE standards. Maintaining that Kazakstan had fallen *far* short of international norms, given the diplomatic language of OSCE, was substantially harsher. The distinction may not be apparent to those not familiar with the arcane lexicon of international organizations and election monitoring, but Kazakstan's government officials undoubtedly understood the severity of the assessment.³⁰

Having now set a precedent for sending only small groups to follow the election process in a country where conditions clearly preclude a free and fair contest, OSCE/ODIHR will now have to make some difficult decisions in 1999 and beyond. The registration of the Republican People's Party and *Orleo* raises Kazakstan's chances of getting a full ODIHR observer mission, but what if opposition parties are harassed or not allowed to publicize their views or meet with voters? Moreover, with parliamentary elections scheduled for December 1999 in Uzbekistan and Turkmenistan, which are even far more repressive than Kazakstan, ODIHR can hardly send an observer mission to either, after refusing to do so in Kazakstan. The implication is that a two-tier system may come into being, with ODIHR mounting full observer missions in CIS countries where at least no serious candidate is excluded from running, while merely sending small groups to report on the process in less democratic countries—especially, but not necessarily exclusively, in Central Asia.

OSCE opened an office in Tashkent, Uzbekistan, for all the Central Asian countries in 1995. Recently, in accordance with agreements reached with all the region's capitals, OSCE established offices in the remaining Central Asian countries, except for Tajikistan (where an OSCE mission is still coping with the consequences of the civil war). Foreign Minister Tokaev said on December 3 that the presence of OSCE in Almaty would help promote the development of a civic society in Kazakstan, but he stressed that building democracy in Central Asia was a slow process: "One should duly appreciate the willingness of the new democracies to advance gradually." Tokaev also emphasized that stability in Kazakstan was a "significant contribution to global and regional security."³¹ Clearly, the new OSCE office will encounter standard arguments from Kazakstani officials about the primacy of stability, Central Asian "peculiarities" and the need to let democracy and human rights develop "slowly."

³⁰ By way of illustration, after Azerbaijan's October 1998 presidential election, a disappointed official complained about ODIHR's choice of words—"fell short of meeting" international standards—to Helsinki Commission staff: "They couldn't have said the election didn't meet *all* international standards?"

³¹ Interfax, December 3, 1998.

U.S.-Kazakstan Relations: U.S. strategic and economic interests in Kazakstan involve, among other things, maintaining the country's independence and sovereignty, promoting the extraction, sale and delivery of its energy and other resources, and transporting oil to the West through non-Iranian pipeline routes, while trying to foster democracy in an inhospitable environment. Considering the scope of these interests, and the fact that the United States is the largest foreign investor in Kazakstan, the State Department issued a surprisingly strong series of critical statements, beginning on October 9, after the announcement of snap elections. When Kazhegeldin was excluded by the lower court and the Central Election Commission, the Department issued another statement. On November 23, Vice-President Gore called President Nazarbaev to express U.S. concerns about the elections, including the barring of Kazhegeldin. His intervention was unsuccessful: Kazakstan's Supreme Court the very next day confirmed the lower court's ruling, definitively excluding Kazhegeldin. The coincidence of timing, if not exactly a slap, could not have endeared Nazarbaev to Gore—which Nazarbaev must have known, but the knowledge did not deter him. The State Department issued yet another statement on November 25, characterizing Kazhegeldin's exclusion as a contravention of Kazakstan's international commitments, following "a pattern of harassment of independent media and opposition political figures." After OSCE/ODIHR's preliminary post-election assessment, the State Department issued a final statement on January 11, echoing ODIHR's judgement and adding the unusually stern remark that the conduct of the election had "made more difficult the development of the important relationship between our countries, as well as Kazakstan's full participation in Euro-Atlantic institutions."

The White House did not issue a letter to Nazarbaev until about two weeks after the election, a sign that there were serious discussions, perhaps debates, at the highest levels about how to proceed. As was done after Azerbaijan's controversial October 1998 presidential election, the White House did not release the letter, nor has the State Department made it public. Its contents, however, were published in at least one government newspaper in Kazakstan (*Kazakstanskaya Pravda*, January 26, 1999); no U.S. Government official has claimed the paper distorted the text.

The letter did not contain the word "congratulations," signaling Washington's dissatisfaction over the conduct of the election.³² Nevertheless, President Clinton voiced hopes for further cooperation in democratization and economic reform. "A deeper commitment by Kazakstan to democracy and market reform will be very important for its internal development, as well as for our bilateral relations in the next century." He assured Nazarbaev that the United States is ready to help develop democratic institutions and civil society, so that "people can fully realize their rights and freedoms."

The letter's emphasis on the need for further democratic reforms and the linkage between such reforms and U.S.-Kazakstan relations were clear. If Kazakstan's upcoming parliamentary and local elections are as flawed as the January 1999 presidential contest, the shadow cast on bilateral ties may grow deeper.

