

KAZAKHSTAN AND THE 2010 CHAIRMANSHIP OF THE ORGANIZATION FOR  
SECURITY AND COOPERATION IN EUROPE -  
PROGRESS TOWARD DEMOCRACY?

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## **ABSTRACT**

ANA-MARIA MANUELA MOT: Kazakhstan and the 2010 Chairmanship of the Organization for Security and Cooperation in Europe - Progress Toward Democracy?  
(Under the direction of Dr. Graeme Robertson)

The association of Kazakhstan to the Organization for Security and Cooperation in Europe (OSCE), a regional organization with a strong human rights component, could not induce the oil-rich Central Asian country, long since criticized for its poor human rights record, to change its behavior toward sustainable democratic progress. For Kazakhstan, the 2010 chairmanship of the OSCE represented a missed opportunity to fulfill its pledges to develop civil and political rights aimed at bringing democratic changes. There are two main reasons for this failure: on the one hand, the lack of institutional capacity of the OSCE in providing an incentive and punishment mechanism to enforce the participating states to fulfill their commitments and on the other hand a combination of external factors and internal conditions in Kazakhstan that prevent democratic development.

To my parents, Amelia and Petru Mot, who always taught me to have confidence in myself, do what I feel is right and who inspired me to achieve great things in life.

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## **I. INTRODUCTION**

On December 1 and 2, 2010 the Kazakh capital held one of the most significant events in the history of the country's foreign policy, namely the Vienna-based Organization for Security and Cooperation in Europe (OSCE) summit. Heads of states and governments, deputy prime-ministers and ministers from the fifty-six OSCE participating states gathered in Astana for the organization's first summit in eleven years since the last one held in Istanbul. The event boosted a major public relations success for Kazakhstan and for its long time leader Nursultan Nazarbayev, by setting a precedent: the first former Soviet republic, the first predominantly Muslim nation, and the first Central Asian country to hold the annually rotating chairmanship of one of the most prestigious regional organizations. It was a big party that had everything: glamorous settings, statesmen's arrivals on the red carpet, dramatic handshakes in front of TV cameras, big smiles, and group pictures. It was a show worth millions of dollars aimed to prove that the oil-rich Central Asian country is a world class power and capable of managing international responsibilities. What did Kazakhstan gain out from it? In terms of public relations, the chairmanship definitely was a success for both the country and Nazarbayev. In terms of changes at the level of Kazakh society and expectations for furthering democracy the outcome was disappointing.

In this paper, I argue that the country's association with the OSCE and hosting the 2010 chairmanship of the organization did not help Kazakhstan bring about substantive domestic changes or improve its poor human rights records. The association with the OSCE,



which today is better known as a human rights watchdog rather than a regional security organization could not induce Kazakhstan to change its behavior toward democratic progress and try to come closer to international human rights standards. In this way the theory of socialization according to which the affiliation with an organization and the constant interaction between the members states (in this case participating states), failed in the case of Kazakhstan and OSCE. There are two main reasons for this failure. On the one hand, there is the weakness of the OSCE in providing an incentive and punishment mechanism to enforce upon participating states to fulfill their commitments and, on the other hand, there is lack of interest of the Kazakh leadership combined with lack of capacity in Kazakh society to further democratic progress.

An efficient platform for the East -West dialogue during the détente period of the Cold War, the OSCE worked actively in Central and Eastern Europe with notable achievements in the political and security dimension during the 1980s and 1990s. The OSCE still remains a promoter of democracy in the twenty-first century as a regional forum for political dialogue, negotiations and partnerships. However, due to its lack of capacity to enforce a “carrot and stick” mechanism the organization is powerless against those who fail to comply with the OSCE’s standards. The “name and shame” method or by publicly criticizing the participating states who fail to satisfy the principles of the organization is apparently what the OSCE can do. Neither the expected socialization, between the Kazakh diplomats and their counterparts from the OSCE participating states seemed to have meaningful impact.

On the other hand, the other reason for the failure is related to the inability of Kazakhstan to further any significant democratic development. The Kazakh leadership

displays strong authoritarian feature as the power has been held in Nazarbayev's hands for over two decades. Therefore, Kazakhstan is not a model democracy and many reports prepared by Freedom House and Human Rights Watch criticize the country for human rights violation, especially with regard to freedom of media, freedom of religion, and limited political participation. This does not seem to bother the Kazakh leadership too much. The country's excellent geostrategic position between Russia and China and its highly developed economy based on oil and gas extractive industry makes it attractive to both Western and Eastern partners. Nazarbayev, who was the last former Secretary-General of the Communist Party in Kazakhstan and the only president elected since the 1991 country's independence, plays the resources and geostrategic cards accordingly. That is perhaps why Kazakhstan did not have an incentive to keep the promises made at the OSCE Ministerial Council in Madrid in 2007 when the then Kazakh Foreign Minister, Marat Tazhin, pledged that his country would advance democratic reforms with regard to media, electoral process, and political participation aimed to address the human rights question in the Central Asian nation.

Kazakhstan was selected Chairman of the OSCE neither for its merits, nor for commitment to bring about reforms, but rather as part of a broad attempt to appease the tensions existing between the West and East bloc within the organization. The Eastern group, led by Russia, complained for several years that the OSCE had focused on human rights violations east of Vienna and was less oriented on economic and security issues. In this context, the choice of Kazakhstan seemed to satisfy Russia's demands which over the past years has threatened to hold on to the OSCE's budget, and on the other hand, to appease the East-West division.

To start, this paper assesses the human rights situation in Kazakhstan, before and after the Madrid commitments of 2007, by using reports from human rights organizations. Then, it will look into the international socialization theory and the role of international organizations in promoting democracy in transitioning societies. Then, it will discuss the weaknesses of the OSCE, emphasizing on its lack of reward and punishment mechanism and the issues posed by the consensus-based decision, and try to explain why, in comparison to other European organizations, it does not seem to be successful in effectively promoting democratic changes. The next section will discuss Kazakhstan's internal political context to better understand why it did not provide incentives to further democratic development. The paper will also touch upon briefly the background behind choosing Kazakhstan as the 2010 chair of the OSCE. In conclusion, I will highlight that, despite Kazakhstan's missed opportunity to bring about changes and the OSCE's inefficiency in offering incentive to the OSCE participating states to take serious steps toward democracy, the Central Asian nation will not suffer sanctions and will not be isolated in the international arena. On the contrary, as one Washington D.C.-based expert put it, Kazakhstan paved the way to further exhibit its international experience and consolidate its position as a wealthy regional player which the international community should take into consideration when dealing with the region.

## **II. HUMAN RIGHTS BEFORE AND AFTER MADRID**

### **1. Introduction**

This section presents the human rights situation in Kazakhstan, before and after the commitments made by the Kazakh Foreign Minister at the 2007 OSCE Ministerial Council in Madrid, when the country was selected to chair the organization in 2010. The assessment analyses three main areas in which Kazakhstan promised to deliver reforms, namely electoral process, political participation, and media, by looking into several reports and evaluations prepared by human rights and media organizations. Overall, the changes did not allow for meaningful steps to improve the political and civil rights and human rights record did not improve.

Kazakhstan has been constantly criticized for its lack of fairness in the electoral process and observers have reported that elections have been far from free. After a period of political violence in the mid-2000s and killing of couple of opposition leaders, Zamanbek Nurkadilov of For a Fair Kazakhstan group and Altynbek Sarsenbayev of Nagyz Ak Zhol, the 2007 elections created a single party legislature with Members of Parliament from the presidential ruling party<sup>1</sup>. The opposition has no representatives in the Parliament. Although the amendments open the way to a multiparty system in the legislative branch starting next

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<sup>1</sup> Freedom House, *Freedom in the World 2009, Kazakhstan*, at [http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/KZ/FH\\_UPR\\_KAZ\\_S07\\_2010\\_FreedomHouse\\_Annex1.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/KZ/FH_UPR_KAZ_S07_2010_FreedomHouse_Annex1.pdf) (accessed March 6, 2011)

elections observers fear that this would rather create an illusory parliamentary pluralism by helping pro-government or authorized opposition groups to enter Parliament.

Political life is almost under complete control of president Nazarbayev and his Nur-Otan presidential party. Opposition parties face constant constraints and oppression form of arbitrary arrests or persecution. The amendments on the law of political parties did not produce significant developments. The registration process remained harsh and the legislation included excessive provisions, such as prohibiting parties based on ethnicity or religion, requiring personal information on the members, or limitations for those who seek public office.

There has not been much improvement with regard to freedom of the media either. Observers say that media in Kazakhstan is not free. Despite some positive changes regarding journalists' rights and media self-regulation, authorities continue to oppress and boycott independent and opposition media outlets and journalists. The current situation does not give future hopes: the Internet is restricted, government blocks opposition websites, media outlets are shut down, libel is still criminal offense, and journalists are harassed, intimidated and sometimes even imprisoned.

### **1. Madrid Commitments**

During the OSCE Ministerial Council summit in Madrid in November 2007 when Kazakhstan was selected to chair the organization in 2010, the Kazakh Minister of Foreign Affairs, Marat Tazhin, delivered a speech in which he laid down the plans for the country's further democratic progress. He promised that Kazakhstan would take the necessary steps to undergo significant political reforms in the field of media, increase the political participation,

and electoral process, aimed at advancing democratic reforms to address the political and civil rights. The promises known as "Madrid Commitments" were transposed into a package of amendments called "Kazakhstan's 2009-2012 National Human Rights Action Plan" which was finalized in October 2008 and signed by Nazarbayev in early 2009. The plan represented the new legislation on media, elections, and political parties aimed at fulfilling the "Madrid Commitments" and the amendments incorporated many of the recommendations made by NGOs, media advocacy groups, Kazakh human rights defenders, Freedom House, and the OSCE<sup>2</sup>.

## **2. Elections**

According to Kazakh authorities, the new amendments on the election law were to open the way for a multiparty system in Parliament starting next elections.<sup>3</sup> In the case that there is only one political party that passes the seven percent threshold to access to the Parliament, the next vote-getter gainer, regardless of the percentage of votes received, will be also granted seats in the legislative branch. The deadline for party registration was extended from two to four months, after holding the founding convention. According to the changes media must equally cover candidates and parties both from ruling and opposition parties, while foreign observers will not need any more any pre-requisite experience in monitoring elections.

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<sup>2</sup> Embassy of Kazakhstan in the US, News bulletin, June 1, 2010, at <http://www.kazakhembus.com/index.php?mact=News,cntnt01,print,0&cntnt01articleid=363&cntnt01showtemplate=false&cntnt01returnid=211>. Next parliamentary elections in Kazakhstan are scheduled in 2011.

<sup>3</sup> Ibid. 2 (Embassy of Kazakhstan's document)

For years, human rights organizations argued that Kazakhstan was anything but an electoral democracy, since fairness of electoral process had been a serious issue.<sup>4</sup> According to Freedom House, all parliamentary and municipal elections since 1999 onwards saw electoral fraud and failed to match the criteria for fair and free elections.<sup>5</sup> Members of the opposition protested, inefficiently, against the election results, while the government ignored the OSCE findings that most of the time elections faulted “elements of the new legal framework”.

The years 2005-2006 were characterized by political violence. The suspicious suicide of Zamanbek Nurkadilov, a member of the leading opposition group For a Fair Kazakhstan<sup>6</sup>, and the killing of Altynbek Sarsenbayev, co-chairman of opposition group Nagyz Ak Zhol (True Bright Path)<sup>7</sup>, “highlighted the country’s disturbing tendency toward political violence”.<sup>8</sup> Constitutional amendments passed in May 2007 removed term limits for Nazarbayev, opening the way for lifetime presidency, and replaced the single mandate voting with the proportional representation system based on party list. The 2007 elections consolidated the president’s power, when Nazarbayev eliminated “the last vestiges of

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<sup>4</sup> Bhavna Dave, Freedom House, *Nations in Transit 2010*, at <http://www.freedomhouse.eu/images/Reports/NIT-2010-Kazakhstan-final-final.pdf>

<sup>5</sup> Freedom House, *Kazakhstan ‘s OSCE commitments on democracy and rule of law in light of upcoming Kazakhstan OSCE chairmanship*, September 2008

<sup>6</sup> Nurkadilov was former mayor of Almaty and former minister of Emergency Situations in the government of President Nazarbayev. In 2004 he became criticizing Nazarbayev and threatened to speak publicly about high-level corruption. On November 14, 2005 he has been found shot death, with two bullets in his chest and one in his head. Andrew E. Kramer, “Kazakh opposition member slain”, *The New York Times*, November 14, 2005, <http://www.nytimes.com/2005/11/14/world/asia/14iht-stan.html> (accessed March 29, 2011)

<sup>7</sup> Sarsenbayev was former Information Minister and Kazakhstan’s Ambassador to Russia. He was found shot dead in his car on February 13, 2006. “Suspensions raised over Kazakh deaths”, *BBC News*, February 14, 2006, <http://news.bbc.co.uk/2/hi/asia-pacific/4712674.stm> (accessed March 29, 2011).

<sup>8</sup> Freedom House, *Freedom in the World 2007, Kazakhstan*, at <http://freedomhouse.org/template.cfm?page=22&year=2007&country=7204> (accessed March 5, 2011)

parliamentary independence and humbled potential rivals in his own family.”<sup>9</sup> August parliamentary elections held under this new rule produced a single-party legislature with only deputies from the ruling presidential Nur Otan party, since no opposition party passed the seven percent threshold to get into the Parliament. One US State Department report notes that all 400 court cases filed by the opposition for alleging violations of law were dismissed or denied.

A year after the Kazakh Foreign Minister presented the “Madrid Commitments” observers noted that “the government failed to implement democratic reforms in 2008”<sup>10</sup> despite pledges. Freedom House and the OSCE sharply criticized the legislation on the electoral process and noted that recommendations provided for their improvements have almost entirely been disregarded. The elections to the Assembly of Peoples (the upper house of the Parliament) produced a legislature “devoid of opposition representation”.<sup>11</sup> The elections for the upper parliamentary house took place without opposition candidates, a factor that further limited the opposition’s activity.<sup>12</sup>

The law continued to allow the appointment of nine individuals from the Assembly of People to the Majilis (the lower house of the Parliament), which, according to Freedom House, “contradicts the Document of the Copenhagen Meeting on the Human Dimension of

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<sup>9</sup> Freedom House, *Freedom in the World 2008, Kazakhstan*, at [http://www.freedomhouse.org/inc/content/pubs/fiw/inc\\_country\\_detail.cfm?year=2008&country=7421&pf](http://www.freedomhouse.org/inc/content/pubs/fiw/inc_country_detail.cfm?year=2008&country=7421&pf) (accessed March 5, 2011)

<sup>10</sup> Freedom House, *Freedom in the World 2009, Kazakhstan*, at [http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/KZ/FH\\_UPR\\_KAZ\\_S07\\_2010\\_FreedomHouse\\_Annex1.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/KZ/FH_UPR_KAZ_S07_2010_FreedomHouse_Annex1.pdf) (accessed March 6, 2011)

<sup>11</sup> Freedom House, *Freedom in the World 2010, Kazakhstan*, at <http://freedomhouse.org/template.cfm?page=363&year=2010&country=7850> (accessed March 6, 2011)

<sup>12</sup> US Department of State, Bureau of Democracy, Human Rights, and Labor, 2009 Country reports on human rights and practices, *2009 Human Rights Report: Kazakhstan*, March 11, 2010, at <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136088.htm> (accessed February 15, 2011)



the CSCE<sup>13</sup>, under which all the seats in at least in one house of the national parliament have to be freely disputed by candidates during a general election”.<sup>14</sup> The legislation continues to restrict the rights to be elected by prohibiting individual with prior criminal record to run for office. The amendments under which the next party receiving the largest number of votes would be granted seats in the legislative branch even if only one party passes the seven percent threshold is believed to pave “the way for another pro-government or an authorized opposition party to enter Parliament and create the illusion of a multiparty system”.<sup>15</sup> However, the changes to the electoral system have not yet been tested since no parliamentary elections have taken place under the new legislation. The next legislative elections are scheduled for 2012, and it looks like the authorities changed their attitude vis-à-vis the OSCE election monitors. After denying elections monitors full access to observe the electoral process in the past, this time “Kazakhstan invited OSCE experts to monitor the 2012 elections”.<sup>16</sup>

### **3. Political Parties**

Astana took steps toward election legislation reform aimed at political parties to liberalize the registration of political parties and increasing their role in the political process.

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<sup>13</sup> Before mid 1990s OSCE operated like a series of conferences and meetings held in different locations in Europe under the name of Conference for Security and Cooperation in Europe (CSCE). During the 1994 summit in Budapest CSCE begun its institutional transformation process and became an organization under the name of OSCE.

<sup>14</sup> Bhavna Dave, Freedom House, *Nations in Transit 2010*, at <http://www.freedomhouse.eu/images/Reports/NIT-2010-Kazakhstan-final-final.pdf> (accessed March 6, 2011)

<sup>15</sup> Ibid. 14 (Nations in Transit 2010)

<sup>16</sup> Discussion with Douglas Davidson on February 9, 2011 in Washington, D.C. Mr. Davidson is former Deputy US Representative to the OSCE in Vienna (2001-2004) and former head of OSCE mission in Bosnia-Herzegovina (2004-2008). Mr. Davidson is currently Special Envoy for Holocaust issues.

The amendments have reduced the requirements for registering a political party.<sup>17</sup> The number of members necessary for registration in each oblast or region dropped from over 1,000 to 600 and the nationwide number from 50,000 to 40,000. The deadline for registration after the constituent conference has been extended. According to the document, the new changes open “the avenue for the state to fund and financially support activity of political parties”.<sup>18</sup>

Despite these changes, the situation has had little noticeable improvements. Registration requirements of political parties remained harsh and observers believe that changes were minimal and did not produce significant positive developments. There are still some excessive legal provisions that have not eased the registration process. The new provisions requires collection of personal information about the members (such as date and place of birth, address, and place of employment), an aspect which discourages many citizens from joining political organizations. The legislation still prohibits parties based on “ethnic origin, religion, or gender”<sup>19</sup> and only ten parties have been registered so far. There are several limitations, such as the right to seek public office in the form of a ten-year residency and party membership requirements, and a provision allowing the Assembly of People to choose nine of the 107 members of the Mazhilis<sup>20</sup> (the lower house of the legislative branch).

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<sup>17</sup> Embassy of Kazakhstan in the US, News bulletin, June 1, 2010, at <http://www.kazakhembus.com/index.php?mact=News,cntnt01,print,0&cntnt01articleid=363&cntnt01showtemplate=false&cntnt01returnid=211> (accessed March 6, 2011)

<sup>18</sup> Embassy of Kazakhstan in the US, News bulletin, June 1, 2010, at <http://www.kazakhembus.com/index.php?mact=News,cntnt01,print,0&cntnt01articleid=363&cntnt01showtemplate=false&cntnt01returnid=211> (accessed March 6, 2011)

<sup>19</sup> Freedom House, *Freedom in the World 2010, Kazakhstan*, at <http://freedomhouse.org/template.cfm?page=363&year=2010&country=7850> (accessed March 6, 2011)

<sup>20</sup> US Department of State, Bureau of Democracy, Human Rights, and Labor, 2009 Country reports on human rights and practices, *2009 Human Rights Report: Kazakhstan*, March 11, 2010, at <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136088.htm> (accessed February 15, 2011)

Freedom House holds Nazarbayev and his presidential party responsible for maintaining almost complete control over the politics in 2009, using “long standing authoritarian practices”, such as arbitrary arrests, restrictive new laws, or politically motivated persecutions<sup>21</sup>. Perhaps the most prominent case of political imprisonment is of well-known human rights defender and director of Kazakhstan’s International Bureau for Human Rights and Rule of Law, Yevgeniy Zhovtis. In October 2009 the court upheld a four-year sentence of Zhovtis on charges of vehicular manslaughter, after a trial that was fraught with procedural violations. According to the US State Department 2009 Human Rights Report observers criticized the trial for procedural violations and alleged that the sentence imposed on him was politically motivated and his imprisonment amounted to political persecution to silence to government's most vocal critic in advance of the country's chairmanship of the OSCE.<sup>22</sup>

#### **4. Media**

One of the most oppressive sectors remaining in Kazakhstan is the media, where the amendments have not had a significant positive effect on the freedom of expression. There have been some positive changes undertaken by the government, such as the broadening of journalists’ rights and ensuring self-regulation of the media.<sup>23</sup> Also, the number of cases

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<sup>21</sup> Freedom House, *Freedom in the World 2010, Kazakhstan*, at <http://freedomhouse.org/template.cfm?page=363&year=2010&country=7850> (accessed March 6, 2011)

<sup>22</sup> US Department of State, Bureau of Democracy, Human Rights, and Labor, 2009 Country reports on human rights and practices, *2009 Human Rights Report: Kazakhstan*, March 11, 2010, at <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136088.htm> (accessed February 15, 2011)

<sup>23</sup> Embassy of Kazakhstan in the US, News bulletin, June 1, 2010, at <http://www.kazakhembus.com/index.php?mact=News,cntnt01,print,0&cntnt01articleid=363&cntnt01showtemplate=false&cntnt01returnid=211>

leading to re-registration of print media and information agencies was reduced and registration for broadcasting media, including websites, was abolished (although not for other media outlets)<sup>24</sup>. Journalists no longer need to obtain consent for using electronic equipment during interviews and confiscation of newspaper editions was recognized as an alternative to administrative sanctions. The amendments also allow the media to make appeal in the court in case of denials of governmental information.<sup>25</sup>

The government control through loyalists of broadcast media stations, threats and harassment against journalists who criticized the president and the government, and the existence of criminal charges for libel created “an environment of anxiety in which journalists are faced with the constant threat of lawsuits and, not infrequently, direct threats to their person”<sup>26</sup>. Journalists have been fined, asked to pay substantial amount of money to the officials whom they allegedly offended, while media outlets were closed and their bank accounts frozen. Just a year before Kazakhstan pledged in Madrid to increase the freedom of media the government tightened its control on the media. Because media outlets were subject to new regulatory and registration requirements, most media outlets became controlled “or

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<sup>24</sup> Human Rights Watch, *Human Rights in Kazakhstan: Seven months before the OSCE Chairmanship*, May 19, 2009, at <http://www.hrw.org/node/83329> (accessed March 7, 2011)

<sup>25</sup> Embassy of Kazakhstan in the US, News bulletin, June 1, 2010, at <http://www.kazakhembus.com/index.php?mact=News,cntnt01,print,0&cntnt01articleid=363&cntnt01showtemplate=false&cntnt01returnid=211>

<sup>26</sup> Human Rights Watch, *Kazakhstan: improve human rights record. Changes needed for upcoming OSCE leadership role*, May 19, 2009, at <http://www.hrw.org/en/news/2009/05/19/kazakhstan-improve-human-rights-record> (accessed march 7, 2011)

otherwise influenced by members of the president's family or other powerful interest groups.”<sup>27</sup>

Starting in 2000, Freedom House has categorized Kazakhstan as “not free”<sup>28</sup> and ranked former Soviet republic among the most undemocratic countries in the world.<sup>29</sup> In 2010, Freedom House gave Kazakhstan extremely low scores, between 5.75 and 6.75 (the highest level of democratic progress is 1 and 7 is the lowest) to all the areas that were evaluated.<sup>30</sup> In the year of the Kazakhstan's OSCE chairmanship, the Central Asian country performed even worse than the previous year with the overall democracy score worsening from 6.32 to 6.43. The media score also declined to 6.75, being comparable to the neighboring countries. In 2010 Turkmenistan and Uzbekistan scored 7<sup>31 32</sup>, while Kyrgyzstan 6.50<sup>33</sup> and Russia 6.25<sup>34</sup>. The same negative trend has been observed by other media watchdogs. In 2006 the Reporters without Borders Press Freedom Index ranked

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<sup>27</sup> Freedom House, *Freedom in the World 2009, Kazakhstan*, at [http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/KZ/FH\\_UPR\\_KAZ\\_S07\\_2010\\_FreedomHouse\\_Annex1.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/KZ/FH_UPR_KAZ_S07_2010_FreedomHouse_Annex1.pdf) (March 6, 2011)

<sup>28</sup> Freedom House, *Freedom in the World 2005, Kazakhstan*, at <http://freedomhouse.org/template.cfm?page=22&year=2005&country=6764> (accessed March 6, 2011)

<sup>29</sup> Bhavna Dave, *Nations in Transit 2010, Kazakhstan*, Freedom House, at <http://www.freedomhouse.org/images/Reports/NIT-2010-Kazakhstan-final-final.pdf> (accessed March 6, 2011)

<sup>30</sup> The areas are: electoral process, civil society, independent media, national democratic governance, judicial framework and independence, local democratic government, judicial framework and independence, and corruption.

<sup>31</sup> Annete Bohr, *Nations in Transit 2010, Turkmenistan*, Freedom House, at <http://www.freedomhouse.org/images/File/nit/2010/NIT2010Turkmenistanfinal.pdf> (accessed March 29, 2011)

<sup>32</sup> Bruce Pannier, *Nations in Transit 2010, Uzbekistan*, Freedom House, at <http://www.freedomhouse.org/images/File/nit/2010/NIT2010Uzbekistanfinal2.pdf> (accessed March 29, 2011)

<sup>33</sup> Erica Marat, *Nations in Transit 2010, Kyrgyzstan*, Freedom House, at <http://www.freedomhouse.org/images/File/nit/2010/NIT2010Kyrgyzstanfinal1.pdf> (accessed March 29, 2011)

<sup>34</sup> Robert W. Orttung, *Nations in Transit 2010, Russia*, Freedom House, at <http://www.freedomhouse.org/images/File/nit/2010/NIT2010Russiafinal1.pdf> (accessed March 29, 2011)

Kazakhstan 128<sup>th</sup> of 170 countries, with a score of 41.63 points (0 is the perfect score). A year later the country improved slightly its score and moved up three positions. Then, the situation continued to worsen by each year. In 2008 Kazakhstan stalled at the same position as the previous year; in 2009 the country slipped several places down to 142; in 2010 fell to the bottom of the index. Ironically, in the year of the OSCE chairmanship Kazakhstan performed the worst: it came 162<sup>nd</sup> of 178 countries.

The amendments to the law on media were perceived cautiously by observers. Reporters without Borders argues that Kazakhstan “responded to criticism from international organizations by promising to bring its legislation on the press in line with international standards, but no noticeable changes have taken place”.<sup>35</sup> The same opinion is shared by Freedom House, which believes that although the Kazakh administration loosened media restrictions and removed government registration requirements for broadcast outlets, it restricted the legislation for Internet. The human rights watchdog argues that “independent media continued to face harassment”<sup>36</sup> and government continued to shut down media outlets while censorship remained widespread. Tamara Kaleeva, the head of Kazakh media watchdog Adil Soz, admitted that although the amendments were rather “cosmetic” they were nonetheless “the first amendments in many years that do not worsen the situation of the media or journalists”.<sup>37</sup> To Human Rights Watch, the amendments consisted of “relatively

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<sup>35</sup> Reporters without Borders, *Country report on Kazakhstan*, at <http://en.rsf.org/report-kazakhstan,112.html> (accessed March 10, 2011)

<sup>36</sup> Freedom House, *Freedom in the World 2009, Kazakhstan*, at [http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/KZ/FH\\_UPR\\_KAZ\\_S07\\_2010\\_FreedomHouse\\_Annex1.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/KZ/FH_UPR_KAZ_S07_2010_FreedomHouse_Annex1.pdf)

<sup>37</sup> Human Rights Watch, *Human Rights in Kazakhstan: Seven months before the OSCE Chairmanship*, May 19, 2009, at <http://www.hrw.org/node/83329> (March 7, 2011)

minor changes” that did little to address core problems and failed to address the broader problem with the freedom of media”.<sup>38</sup>

Adil Soz reported 188 incidents of harassment, violence, and intimidation against journalists<sup>39</sup>. Relevant examples are Yermek Boltay - contributor to Radio Free Europe - who was attacked, and Ramazan Yesergepov - owner and editor-in-chief of the Alma-Ata Info - who was sentenced to three years in prison for divulging state secrets.<sup>40</sup> Reporters without Borders criticized Astana for keeping Esergepov in prison and endangering his health, after refusing to free him although he qualified for conditional freedom<sup>41</sup>. The government tightened its control on media and the number of libel cases against journalists and media outlets has risen, as the law prohibits insulting the president and senior officials<sup>42</sup>. In 2009 *Taszhargan* ceased publication after being unable to pay a fine of \$200,000 to a parliamentarian for having insulted the legislative member’s dignity while weekly *Respublika* had to pay \$400,000 to a bank that filed a slender case, in addition to seizing a print run of the paper.<sup>43</sup>

Amendments on the internet reclassified websites as "media outlets" and thus made it easier for the authorities to shut them down for alleged violations or for inciting interethnic

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<sup>38</sup> Ibid. 37 (Human Rights Watch)

<sup>39</sup> US Department of State, Bureau of Democracy, Human Rights, and Labor, 2009 Country reports on human rights and practices, *2009 Human Rights Report: Kazakhstan*, March 11, 2010, available at <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136088.htm> (accessed February 15, 2011)

<sup>40</sup> Ibid 38 (State Department Report 2009)

<sup>41</sup> Reporters without Borders, *Journalist kept in prison against the law*, February 22, 2011, at <http://en.rsf.org/kazakhstan-journalist-kept-in-prison-against-22-02-2011,39597.html>

<sup>42</sup> Freedom House, *Freedom in the World 2009, Kazakhstan*, , at [http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/KZ/FH\\_UPR\\_KAZ\\_S07\\_2010\\_FreedomHouse\\_Annex1.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/KZ/FH_UPR_KAZ_S07_2010_FreedomHouse_Annex1.pdf) (accessed March 6, 2011)

<sup>43</sup> Ibid.38 (State Department report 2009)

violence.<sup>44</sup> Cyber attacks were reported against the opposition-oriented websites *zona.kz* and *Respublika*.<sup>45</sup> Reporters without Borders asserted that the websites of Radio Free Europe/Radio Liberty were blocked for seven weeks in April and June 2008.<sup>46</sup> Internet providers blocked the platform that hosted Rakhat Aliyev's blog, former son-in-law of Nazarbayev, where he posted embarrassing disclosures about people within the Kazakh administration. Significantly, in spite of all these shortcomings in the freedom of the media, "the internet remained freer than print and broadcast media".<sup>47</sup>

According to Sam Patten, Senior Project Manager of Eurasia Program at Freedom House, the government amendments did not significantly improve the media. "They did not de-criminalize the bill; the civil libel penalty is still there; there was no change on the law on internet; and journalists have no privacy and some of them are still imprisoned", summarizes Patten.<sup>48</sup> Rozlana Taukina, president of Journalists in Distress and Reporters without Borders' correspondent believes that "the trend is towards more harassment of media that criticize and oppose the authorities (...) and the repression is going to increase".<sup>49</sup>

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<sup>44</sup> Ibid. 38 (State Department report 2009)

<sup>45</sup> US Department of State, Bureau of Democracy, Human Rights, and Labor, 2009 Country reports on human rights and practices, *2009 Human Rights Report: Kazakhstan*, March 11, 2010, available at <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136088.htm> (accessed February 15, 2011)

<sup>46</sup> Reporters without Borders, *Kazakhstan*, at <http://en.rsfb.org/report-kazakhstan,112.html>

<sup>47</sup> Freedom House, *Freedom of the Press 2010, Kazakhstan*, at <http://www.freedomhouse.org/uploads/pfs/371.pdf>. (accessed March 9, 2011)

<sup>48</sup> Discussion with Sam Patten Senior Project Manager of Eurasia Program at Freedom House, on December 7, 2010, in Washington D.C. See Appendix 1 for more about experts' opinion on the outcome of Kazakhstan's OSCE chairmanship.

<sup>49</sup> Reporters without Borders, *Copies of opposition weekly seized, journalists arrested*, January 21, 2011, at <http://en.rsfb.org/kazakhstan-copies-of-opposition-weekly-seized-21-01-2011,39374.html> (accessed March 10, 2011)



Overall, the amendments to laws on elections, political parties, and the media were described by Human Rights Watch as “more superficial and pro forma than substantial.”<sup>50</sup> According to Rachel Denber, Europe and Central Asia Director at US-based Human Rights Watch, “The disappointing paradox is that Kazakhstan has been very active as OSCE chair but took few if any meaningful steps to improve its own human rights record. It could have led the OSCE by example, but instead let its human rights records stagnate”.<sup>51</sup>

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<sup>50</sup> Freedom House, *Freedom in the World 2009, Kazakhstan*, at [http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/KZ/FH\\_UPR\\_KAZ\\_S07\\_2010\\_FreedomHouse\\_Annex1.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session7/KZ/FH_UPR_KAZ_S07_2010_FreedomHouse_Annex1.pdf) (accessed March 6, 2011)

<sup>51</sup> Dmitri Soloyvov, Rights group raps Kazakh record before OSCE summit, *Reuters*, November 30, 2010, at <http://www.reuters.com/article/2010/11/30/osce-rights-idUSLDE6AT0BA20101130>

### **III. THEORY AND PRACTICE**

#### **Introduction**

This section discusses the theoretical framework which consists of two conceptual pillars: that of international socialization and of “democracy from outside-in”. The socialization theory advocates that membership in certain international organizations can change the behavior of member state, thus opening a credible potential democratic transition and consolidation. In other words, when a member state interacts with its peer (member states within the same organization) the state has a good chance of embracing democratic norms and importing them internally with the aim of bringing about positive changes, such economic reforms or improving human rights. More specifically, based on the logic of appropriateness, interaction among elites can be an efficient instrument for eliciting their support for political and economic changes (e.g. EU, NATO).

Nonetheless, socialization does not work in the case of the OSCE given two main reasons. First, unlike NATO or EU within which elites do interact extensively with each other before and after joining membership status, the OSCE does not have the institution structure suited for such interaction. Even if it did, the interaction would be limited to diplomats, who typically are not involved in making domestic policies so they could not impact internal policies. Secondly, the OSCE is a very heterogeneous organization and it displays clear East-West geographical, cultural, and political division between the European Union states (supported by US and Canada) and the former Soviet republics which are

grouped within the umbrella of the Commonwealth of Independence States (CIS).

Furthermore, the EU bloc is perhaps the main driving force within the organization, whereas the CIS bloc forms a group opposing or objecting the decisions whenever Moscow's interest requires such pressure. In other words, this thesis argues, socialization works efficiently when it involves partners of the same principles and exchanges similar values and thus allows for an effective domestically assimilation of the international norms. However, the OSCE is too diverse to be very effective.

### **1. Process of Socialization**

Political scientist Brian Greenhill credits international organizations for changing their member state behavior through what he calls a “process of socialization”.<sup>52</sup> More specifically, Greenhill argues that the affiliation with an international organization (IO) and the social interaction of the member states can induce member states to change their conduct - by internalizing and implementing international norms. In the field of human rights, he argues, social interaction with its peers can make a member state to improve its human rights record, while providing punishment of non-compliance to those human rights standards to which that state had previously adhered.

According to Greenhill, states follow the “logic of appropriateness” which asserts that socialization should be seen as an incentive for complying with international standards, rather than a coercive method. Thus, the author explains, delegates of the member states meet through reunions, they exchange views on different matters and learn from each others’

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<sup>52</sup> Brian Greenhill, “The Company You Keep: International Socialization and the Diffusion of the Human Rights Norms”, *International Studies Quarterly* (2010) 54

experience. In other words, Greenhill suggest, there is higher probability that a member state will adopt more progressive and democratic policies than they should have done otherwise.

## **2. Inside -Out Democracy**

Similarly to Greenhill professor Jon Pevehouse acknowledges the role played by the IOs in advancing democracy as well.<sup>53</sup> He coins “inside out” democracy concept and theorizes that IOs can alter the behavior of their member states to the extent of inducing the weakening or even the fall of authoritarian regimes that are participating. According to Pevehouse, two factors are driving democratization: 1) membership which lends assurance to the military and business elites susceptible of losing their privilege during transition, and 2) interstate socialization, which can help reshaping the member’s values into those compatible to democratic practices.

Pevehouse argues that regional IOs can leverage transitions to democracy by persuading elites to support the path toward political liberalization. Thus, such organizations can exert external pressures in several ways: either by public condemnation, by creating economic difficulties (imposing economic sanctions), or by diplomatic pressure and international isolation aimed at de-legitimizing specific authoritarian regimes.

For example, an IO can expose certain business to positive aspects of political liberalization by creating guarantees credible enough that can assuage their apprehension of change. Furthermore, social interaction within an IO can be employed specifically to be capable of “altering their systems of beliefs”<sup>54</sup>. Therefore, facing potentially drastic changes,

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<sup>53</sup> Jon C. Pevehouse, “Democracy from Outside-In? International organizations and Democratization”, *International Organizations* (2002) 56, 3

<sup>54</sup> Ibid 53 (Pevehouse)

such as nationalization of land and enterprises, domestic elites decide to resist transformation. Based on rational calculation, Pevehouse asserts, elites may have an apprehensive perception about the changes. It is the case of the EU, for example, where the accession brings with it serious economic and regulatory changes that may severely affect business environment, such as restructuring the Romanian steel sector.

Pevehouse argues that the dynamics are relatively similar with the military elites. The military fears losing its autonomy and IOs can give them the necessary assurance that the changes will not push them away and so they can still benefit of institutional protection. Security and defense-oriented organizations (such as NATO) can persuade the military elite to support democracy and convince the state leadership to provide adequate resources to its military. In some cases, such as NATO, the organization offers incentives in the form of financial assistance to military elites. For example, during the pre-accession period the candidates undergo a transparent preparation process under the Partnership for Peace, throughout which future member states benefit of interaction and cooperation with NATO officers and receive financial support, including advanced military equipments and assistance training. By socializing amongst each other, the military elites either learn or share the experience with their counterparts, thereby internalizing the new doctrines that are conducive to democracy. Following this logic, NATO played a major role in pushing for democratization in Eastern Europe by demanding the candidate countries to advance drastic reforms before accession, such as establishing of a civilian and democratic control over military forces and professionalization of armed forces.

Interestingly, after testing empirically his predictions, Pevehouse concludes that in reality not all organizations are effective in advancing democracy and it is likely that small

and homogenous structures have a higher likelihood of promoting avenues toward democratic transitions. He argues that it is more probable that an organization having a small number of like-minded member states that share similar values and interests it is more able to influence democratic changes rather than one with a larger number of member states and heterogeneous interests.

### **3. No socialization in OSCE**

Following Greenhill's and Pevehouse's predictions it is expected that after being for almost two decades part of the OSCE<sup>55</sup>, Kazakhstan should have changed its behavior due to the positive influence from the majority of the 56 participating states, genuine democracies with good human rights records.<sup>56</sup> Therefore, some of the human rights organizations and observers hoped that Kazakhstan will enter the path of democracy and push its human rights closer to the international standards.

There are two reasons why socialization did not work in the case of the OSCE. First, the OSCE does not provide the appropriate ground for socialization because its organizational design does not allow for elite interactions. Conversely, socialization represents a main component of the EU and NATO where member states share similar values and interests in the organization, such as furthering democratic progress and promoting respect for minorities groups. Even before accession bureaucrats and elites from the candidate states interact a great deal with their counterparts from NATO and EU either by

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<sup>55</sup> Kazakhstan became an OSCE participating state in 1992.

<sup>56</sup> OSCE has 56 participating states from Europe, former Soviet Union, United States and Canada, encompassing more than a billion people. In addition, there are 12 Mediterranean and Asian Partners for Co-operation, including recently Australia. OSCE works closely with the United Nations, the EU, the Council of Europe, and NATO.

travelling extensively to Brussels (the headquarters of both EU and NATO) or by participating to trainings and exchange programs. Also, more socialization takes place at community levels through twinning programs in which public authorities and civil society organizations from the candidate states collaborate with the member states to facilitate the transposition, enforcement, and implementation of EU legislation. However, even if the OSCE had the appropriate design for socialization, the interaction between the Kazakh diplomats and their counterparts from France, Italy, Spain, or Germany, for example, would not have influenced Kazakhstan to “import” good democratic “habits” back in their Central Asian homeland. Diplomats are not involved in making domestic policies and therefore they did not have any say in drafting internal political reforms.

Second, the OSCE participating states are not homogenous - there is an obvious East-West geographical, cultural, and political division within the organization. Geographically speaking, the OSCE states are spread over three continents, with the largest number represented by European nations. Half of the participating states are EU members while a quarter is represented by former Soviet republics, and the rest of them is either hopeful EU candidates or small nations without any affiliation. The former Soviet republics are Russian-speaking nations share common values, history and culture, in addition to close to three quarters of century of communism under the Soviet red flag. The structural changes occurred in the Post-Soviet era, with few exceptions, did not help the former Soviet republics to transition towards genuine democratic societies and hence remained pretty distinct from their Western counterparts. Most importantly, with the exception of the Baltic States, the former Soviet republics are members of the Russian-led Commonwealth of the Independent States

(CIS). The CIS bloc forms a pressure group within the organization whenever Moscow's interests arise.

On the other hand, the EU group of states creates, which is less diverse, creates a strong bloc within the regional security organization. With half of the participating states belonging to the EU, one can say that the OSCE is an EU dominated organization, in spite of its inherent freedom of opinion and decision making. In relation to this, Douglas Davidson, former US Deputy Representative to the OSCE<sup>57</sup> explains that usually the individuals EU members do not speak separately at the OSCE meetings, but rather present a joint opinion, a fact that adds to the still existing clear division within the EU between Eastern and Western states.

In this way, the interaction between the two main blocs inside the OSCE does not always employ the same values or mutual interests. Socialization works more efficiently when involves partners of the same values and this opens the way for an effective domestically assimilation of the international norms. With 56 countries, comprising the EU bloc, Russia, CIS countries plus North America, the OSCE is too diffuse to be effective in promoting democratic development.

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<sup>57</sup> Discussion with Douglas Davidson, former US Deputy Representative to the OSCE in Vienna, on February 8, 2011, in Washington, D.C.



## **IV. OSCE's LIMITATIONS**

### **Introduction**

This section discusses OSCE's limitations and structural weaknesses in an attempt to explain its inefficiency at eliciting democratic reforms in Kazakhstan. Thus, the two main issues are: 1) weakening the organization; the lack of a viable "carrot and stick" mechanism that provides for incentives and punishment in the case of non-compliance with the standards, and 2) the burden of the consensus-based decision making. As explained earlier, the OSCE is not a genuine organization and there are no specific criteria that a state should meet in order to join this regional security structure. In turn, thus makes its lack of reward and punish instrument even more relevant. Since the OSCE lacks credible incentives, there is no punishment for failing to comply with the standards. In fact the most significant gain of being a participating state is limited to prestige, therefore, the "name and shame" formula would be the most "sanction" an OSCE participating state could get.

By comparison, EU has employed the "carrot and stick" method, which, to certain extent, has been successful in bringing democratic developments in Eastern Europe, especially via financial incentives provided before and after accession. Furthermore, OSCE's consensus-based decision making has the potential of opening Pandora's Box, and thus allowing any of its participating states block any unfriendly initiative. This design has worked very well for Russia, which for years has been threatening to obstruct many of the OSCE initiatives with which Moscow has disagreed. In other words, the question remains: Why the OSCE, an

organization that to some extent played a part in tearing down communism in Eastern Europe has proved unable to pushing for meaningful reforms in Kazakhstan? In order to investigate this issue I am using the example of Charter 77 which exemplifies how the adaptation of the OSCE principles represented an ideological weapon in the fight against communist regime in Czechoslovakia. Perhaps, the answer could be attributed to the lack of ideological antagonism between East and West once the Cold War reached to an end. Today, in the 21<sup>st</sup> century countries are more preoccupied with maximizing their economic status by securing business opportunities. On the other hand, the attempt of Kazakh civil society to persuade the government to comply with the OSCE commitments and advance political reforms has been blocked by Kazakhstan's authorities because of their inflexibility and unwillingness to support considerable changes but also because of fearing that such reforms could have weakened their control over Kazakh society.

### **1. No 'Carrot and Stick' and Consensus-Based Decision**

Today, the OSCE is better known for its watchdog role in the areas of human rights, media, and election monitoring, rather than for its security or economic dimensions. The OSCE's principle activity takes place in the field of monitoring elections in former communist and Soviet space, where the organization brought attention to the misconduct and abuses during the electoral process. For instance, the OSCE experts exposed the "irregularities related to voting and voting count"<sup>58</sup> during the 2004 parliamentary elections

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<sup>58</sup> OSCE, Office for Democratic Institutions and Human Rights, Republic of Belarus, Parliamentary election 17 October 2004, OSCE/ODIHR, Election Observation Mission, Final Report, 9 December 2004, at [http://web.archive.org/web/20060108064649/http%3A//www.osce.org/documents/odihr/2004/12/3951\\_en.pdf](http://web.archive.org/web/20060108064649/http%3A//www.osce.org/documents/odihr/2004/12/3951_en.pdf) (accessed march 29,2011)

in Belarus and criticized President Alexander Lukashenko for using “fraudulent counting”<sup>59</sup> during the 2010 presidential elections. Further, they have discovered “serious violations”<sup>60</sup> of the international standards during the 2004 presidential elections in Ukraine. As a result, the Ukrainian run-off election led to the election of pro-Western opposition leader Viktor Yushchenko.

Given this, it is safe to assume that over a twenty-year span the OSCE could have pressured Kazakhstan into improving its human rights situation, especially within a process of promoting a democratic agenda. Moreover, according to Greenhill’s judgment, the organization should have motivated the improvement of freedom of expression, freedom of religion, freedom of assembly, or that of Kazakhstan’s political participation in the country.

Well, none of these eventually happened. Why not? To better understand the stagnation of democratic progress and the country’s missed opportunity in improving political and civil rights I have in mind some of the OSCE’s institutional flaws which are weakening the organization. First, the OSCE is based on the participation of the member states and there is no genuine membership as in the case of the EU. Thus, in order to take part in the OSCE, the country just needs to signal its agreement with 1975 Helsinki Final Act. The Helsinki Final Act was signed on August 1, 1975 by the 35 head of states after two years of active engagement and represents a series of political, military, economic, and human rights commitments that established the principle for the conduct of the states in relation to each other as well as their citizens. The agreement was forged on the “freedom of

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<sup>59</sup> “OSCE observers asked to leave Belarus over elections fraud claims”, *Guardian.co.uk* citing *Associated Press*, Friday, December 31<sup>st</sup>, 2010, at <http://www.guardian.co.uk/world/2010/dec/31/osce-leave-belarus-election-fraud-claims> (accessed march 29, 2011)

<sup>60</sup> International Election Observation Mission, Presidential Election (Repeat Second Round), Statement of Preliminary Findings and Conclusion, December 26, 2004, at <http://unpan1.un.org/intradoc/groups/public/documents/untc/unpan019428.pdf> (accessed March 29, 2011)

thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion”<sup>61</sup> and provided for equality for national minorities. Since no commitments were signed, breaching of these provisions lacks any consequences. In contrast, in the case of the EU the “*acquis communautaire*” (the EU legislation) is legally binding and enforced via several treaties the member states had signed before accession, whereas the OSCE commitments are only for moral and binding.

In the same vein, the OSCE’s lack of “stick and carrot” mechanism, namely that of credible incentive and punishment mechanism leads to blatant non-compliance with the standards. Organizations with a clear rewarding and punishing mechanism can employ the “carrot and stick” method to sanction member states if they fail to comply with the standards. In organizations where the membership is given based on fulfilling strict criteria and where member states benefit of financial incentives, failing to comply with these criteria would lead to severe political, economic, or social punishment, including losing of the membership. For example, the EU whose membership is based on meeting of strict criteria and comes together with financial incentives is rather an exception in the world of international organizations. In most IOs, including the OSCE, the membership does not entail any rewards other than prestige and no punishment for lack of compliance; thus without an institutional accountability or punishment mechanism the likelihood of changing state behavior is dismal.

From this perspective, the only tool the OSCE has in its toolbox is the “name and shame” approach, which would translate in publicly exposing and criticizing the abuses a participating state is responsible for. The “name and shame” may publicly embarrass the

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<sup>61</sup> Helsinki Final Act, Conference on Security and Cooperation in Europe, Helsinki, 1 August 1975, at <http://www.hri.org/docs/Helsinki75.html> (accessed March 19, 2011). For joining the organization a state has to declare its support to the Helsinki Final Act, which till the day remained the guiding principle for organization’s activity.

culprit, but it has a generally weak impact and it is not accompanied by any sanctions. In the history of the OSCE, however, there has been just one notable case. In 1992, the former Yugoslavia was suspended temporarily from taking part in the organization's meetings on account of "clear, gross, and uncorrected violation of human dimension of relevant CSCE commitments"<sup>62</sup> for fomenting the war in Bosnia. To this date, it was the first and only time the organization employed a "consensus minus one"<sup>63</sup> decision making approach and according to Douglas Davidson, former US Deputy Representative to the OSCE in Vienna, Russia has made it clear that "this will not happen again."<sup>64</sup>

Nevertheless, this institutional arrangement that demands a consensus-based decision making constitutes a substantial impediment. In supporting this argument, a Freedom House document notes that, "because the OSCE is a consensus-based organization, there is a limit to the ability of any group of participating states to force changes that others strongly oppose."<sup>65</sup> This way, any of the participating states could attempt to block undesired initiatives. As a relevant case, Russia had unreasonable restrictions on the Office for Democratic Institutions and Human Rights (ODIHR)<sup>66</sup> and consequently the OSCE ended up not sending any observers to Russia's 2007 parliamentary and 2008 presidential elections. The Chechen

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<sup>62</sup> Prague meeting of the CSCE Council, January 30-31, 1992, Summary of conclusions, at <http://www.osce.org/mc/40270> (accessed February 28, 2011)

<sup>63</sup> The "consensus minus one" exception to the OSCE rule of consensus in decision-making can only be used in clear cases of gross and uncorrected violations of CSCE commitments.

<sup>64</sup> Discussion with Douglas Davidson, former US Deputy Representative to the OSCE in Vienna, on February 9, 2011, in Washington D.C.

<sup>65</sup> Freedom House, *Kazakhstan 's OSCE commitments on democracy and rule of law in light of upcoming Kazakhstan OSCE chairmanship*, September 2008, at <http://www.freedomhouse.org/uploads/KazakhstanProgressReview.pdf> (accessed March 6, 2011)

<sup>66</sup> ODIHR is probably the most experienced election monitoring structure in the world, bringing attention to the misconduct and abuses during the electoral process. Over the years the office exposed electoral misconduct during elections in Ukraine, Belarus, Russia, and Kazakhstan, among other countries.

episode when the OSCE was forced to leave from the Northern Caucasus republic is another example that highlights the limitations on the OSCE's consensus based decisions<sup>67</sup> "Because the OSCE is a consensus organization", explained the OSCE spokesman Richard Murphy, the organization's failure in the Chechen case "in which all 55 countries have to agree, there was no agreement, which means the mission will automatically lapse".<sup>68</sup>

Paradoxically, it looks that during the Cold War the OSCE had, in fact, reached few key agreements concerning political and security issues, such as the Conference of the Confidence and Security Building Measures and Disarmament in Europe 1984<sup>69</sup> and the Treaty on Conventional Armed Forces in Europe in 1990.<sup>70</sup> A notable post-Cold War achievement was, however, the 1999 Kosovo Verification Mission during the war in Kosovo, the first and largest field based operation undertaken by the OSCE, consisting in 2,000 unarmed monitors whose job was to observe the cease fire and assist international organizations with the return of refugees.<sup>71</sup> Nonetheless, one of the OSCE's main achievements is its contribution to providing ideological support to dissident movements in Eastern Europe. From this perspective, answering why the organization did not have the

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<sup>67</sup> In 1995 during the First Chechen War (1994-1996) the OSCE established a field mission in Grozny aimed to provide support with humanitarian assistance and refugee matters. At the end of 1999 Russia, the host country for the OSCE mission, refused to renew the field mission mandate and so the OSCE had to end its operations and leave the Northern Caucasus republic.

<sup>68</sup> Eurasianet.org, *Caucasus: OSCE closes Chechnya mission with little protest*, January 4, 2003, at <http://www.eurasianet.org/departments/insight/articles/eav010503.shtml> (accessed January 15, 2011)

<sup>69</sup> The document decided upon the measures to reduce the risk of the conflict and managed to agree refraining from the threat of using force. More details at [www.osce.org](http://www.osce.org)

<sup>70</sup> The treaty is a legally-binding document aimed at establishing a military equilibrium at a lower level between the NATO and Warsaw Pact states by providing ceilings on the number of military vehicles and aircraft each side could have.

<sup>71</sup> Terrence Hopmann believes that although the mission withdrew right before the 1999 NATO air campaign "it had achieved some success in brokering numerous small-scale disputes on the ground between Serbs and Albanians". P. Terrence Hopmann, "Building security in post Cold War Eurasia, The OSCE and the US foreign policy," United States Institute of Peace, *Peaceworks* no.31 First published in 1999

same impact on Kazakhstan as it did in 1989 Eastern Europe change of regime remains an intriguing question to be investigated further.

## **2. Why the OSCE is not the EU**

Among all the regional organizations, the EU proved to be the most successful in promoting democracy through integration in former communist countries. According to European scholars Antoaneta Dimitrova and Geoffrey Pridham, the model for promoting democratic values employed by the EU is “the top down of conditionality and the carrot of membership”, whereas the OSCE combines bottom-up and top-down mechanism, using the tools of consultation, persuasion, and electoral monitoring, and with no genuine carrot.<sup>72</sup> In contrast to the OSCE, the EU applies to a large spectrum of areas of governance and institutions and thus covers numerous policies. In addition to that, the EU has weighted voting, whereas in the OSCE the decisions are based on consensus, with the exception of human rights violations, where a consensus minus one can be employed.

Unlike the OSCE, the EU offers viable political and economic benefits to its member states, but also imposes certain requirements, before and after accession. For instance, in order to be considered a credible candidate, a state must meet the “Copenhagen Criteria” of political and economic requirements related to democratic institutions guaranteeing democracy, free elections, respect and protection of minorities, and market economy.<sup>73</sup> The pre-accession process follows the “top down conditionality” approach which calls for serious

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<sup>72</sup> Antoaneta Dimitrova and Geoffrey Pridham, “International actors and democracy promotion in Central Europe: The Integration model and its limits”, *Democratization*, Vol. 11, no.5, December 2004. Pp 91-112

<sup>73</sup> The “Copenhagen Criteria” represent the standards that define whether a country is eligible to join the EU. These principles were laid down at the 1993 European Council in Copenhagen.

institutional, political, social, and economic transformations, including adjusting its internal legislation to the Union's. The candidate negotiates a number of chapters with regard to the EU policies and during these negotiations they need to adjust its policies and legislation in order to match the European regulations and standards.

The financial compensations are perhaps the most appealing incentives. Candidates and member states receive billions of Euros in order to overcome the economic gap between the two groups of states.<sup>74</sup> The accountability factor, however, is present both during and after accession period. Thus, before accession a candidate is evaluated for its performance through annual monitoring reports and it can lose the financial aid if does not perform well, while after accession a member can still lose the money and face the infringement procedure if it violates the EU legislation. Although it does not provide any financial incentives to the participating states, the OSCE require its participating states to pay an annual contribution to their organization's budget<sup>75</sup>. For instance, the 2011 EU budget is over EUR 126 billions<sup>76</sup>,

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<sup>74</sup> The EU pre-accession financial aid comes in the form of technical assistance programs intended to a) increase the institutional capacity of the candidates (PHARE); b) improving infrastructure (ISPA); and c) for agricultural development (SAPARD), aimed at bringing the candidate closer to the most developed EU nations. The post accession financial package, called Structural and Cohesion funds are directed to reduce the regional disparities with regard to income and wealth.

<sup>75</sup> During the 2005 Slovenian chairmanship OSCE has approved the "scales of contribution" or method of dividing the cost of the budget among its members. There are two scales of contributions, one to the standard scale covering the costs of the OSCE secretariat and institutions, and one covering the cost of the field operations. Following this decision, a number of countries including some of the smaller, more prosperous States, have agreed to pay a higher share of the budget. The basis of the agreement was a gradual reduction in Russia's contribution to the standard scale from 9 per cent in 2004 to 6 per cent by 2007. For instance, the US contribution to the standard scale of the organization rose from 9 to 11.5 per cent and the four largest EU members, France, Germany, Italy and the UK increased their shares from 9.1 to 9.35 per cent. On the other hand, Russia's share to the field missions fell from 3.72 to 2.5 per cent, while the US contribution rose from 13.57 to 14 per cent. After 2005 the overall share of the 25 EU countries remained almost the same, with the EU continuing to contribute around 70 per cent of the OSCE budget. More details, at <http://www.osce.org/cio/46928>

<sup>76</sup> European Commission, Financial Programming and Budget. Budget 2011 adopted, at [http://ec.europa.eu/budget/index\\_en.htm](http://ec.europa.eu/budget/index_en.htm) (accessed March 1, 2011)



whereas the OSCE budget for 2010 amounted to EUR 150 millions<sup>77</sup> which reflects the countries' contributions.<sup>78</sup>

In the 1990s the EU expanded its democratic agenda and became increasingly active in the area of human rights.<sup>79</sup> By analogy, it is more likely that those countries that are both OSCE and EU members are more democratic than the ones which are just OSCE participating states. The EU is more aggressive than the OSCE in making a candidate to adhere to the democratic standards. In some cases, like Romania and Bulgaria, the EU membership made a difference in contributing significantly to democracy promotion as the changes imposed by Brussels pushed toward development probably much faster than it would have otherwise.

This context implies that the OSCE faces an indirect obstruction: its democratization mission has been overlapped by the EU and NATO, both promoting democracy including human rights. The OSCE participating states from the European former communist countries, who are members of both NATO and EU, had a better chance to embrace democratic values than former Soviet Union republics (other than the Baltic states). For Eastern European countries the pressure for changes has come from different directions while the constraints on

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<sup>77</sup> OSCE, Greek chairmanship welcomes 2010 OSCE budget approval. Press release. December 23, 2009, at <http://www.osce.org/cio/51798> (accessed March 1, 2011)

<sup>78</sup> The primary resource for EU budget is the contributions from member states. Each member state contributes to the budget and receives funding back from the EU, depending on the relative wealth of the states. For instance, in 2006 France contributed with EUR 17 billion to the EU budget and received EUR 13 billion, while Poland contributed with EUR 2 billion and spent over EUR 5 billion from the Union's budget. The annual spending plans are negotiated between the European Parliament and the Council of Ministers based on a proposal by the European Commission. The budget covers the spending of all the Union's institutions. The spending is limited by treaties and by a multi-annual agreement between European Parliament, the Council of Ministers, and the European Commission. This agreement contains a "multi-annual financial framework". The recent one covers the spending for the period 2007-2013, which is amounted to EUR 843 billion. More details, at [http://ec.europa.eu/budget/budget\\_glance/index\\_en.htm](http://ec.europa.eu/budget/budget_glance/index_en.htm) (accessed March 1, 2011)

<sup>79</sup> Antoaneta Dimitrova and Geoffrey Pridham, "International actors and democracy promotion in Central Europe: The Integration model and its limits", *Democratization*, Vol. 11, no.5, December 2004. pp 91-112

the member states have been complemented by concrete incentives. This way, it is likely that the OSCE had contributed, to certain extent, to democratic progress in Eastern Europe, but it did not have the same impact in relation to the former Soviet republics, which remained more or less under Russian influence.

### **3. Paradox: Yes to the Fall of Communism, no to Kazakhstan**

The OSCE has been recognized as one of the actors responsible for inspiring the civil society in Eastern socialist bloc to mobilize against the communist regime. The paradox is why the OSCE, at that time Conference for Security and Cooperation in Europe (CSCE), had an impact on the civil society during an era of severe constraints but failed bring democracy in Kazakhstan in a period of time when the political and social environment have posed fewer risks and limitations than three decades ago. Thus, civil societies in communist countries have embraced the human rights freedoms of the CSCE's Third Basket and, empowered by these principles, they have been inspired to start up a movement against the regime that eventually changed the course of history and, conversely, the same values did not call for similar actions in Kazakhstan, especially since the current political context is different. In socialist regimes opposition and civil society activists were forced to function under constraints and in several occasions they faced ruthless oppression, including physical extermination, whereas, in Kazakhstan despite authorities' infringements and limitations civil society activists do function in a friendlier environment than their peers. This begs the question why the CSCE/OSCE worked well for the Czechoslovakian dissidents, for instance, and did not in relation to Kazakhstan?

Charter 77 was a civic initiative that emerged in the 1970s in Czechoslovakia and it represented one of the most leading statements against totalitarianism. The movement partially emerged in response to the arrest of psychedelic rock band *Plastic People of the Universe* for holding a rock concert<sup>80</sup>. The document was published on January 6, 1977 in Czechoslovakia and the next day published in Western newspapers and transmitted to both Radio Free Europe and Voice of America. Political dissident Vaclav Havel, who later became president of Czechoslovakia, was among the founding members. The document, which was initially signed by several hundreds of intellectuals and civil society activists representative of various political viewpoints, religions and occupations criticized the communist government for failing to implement the human rights provisions of numerous documents that Czechoslovakia had signed, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social, and Cultural Rights<sup>81</sup>, and the Helsinki Final Act.

Limited to the Czechoslovakian law, which banned any opposition political activity, The Charter sought to "to engage in a constructive dialogue with political and state power by drawing attention to various specific instances of violations of human and civil rights, to document them, and to propose solutions".<sup>82</sup> The document, truly an ideological weapon demanding compliance with Western human rights norms, took the Helsinki Final Act for its

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<sup>80</sup> David Vaughn, "Hooligans and swindlers: the communist regime and the Plastic People", *Radio Praha*, April 2, 2009, at <http://www.radio.cz/en/section/archives/hooligans-and-swindlers-the-communist-regime-and-the-plastic-people> (accessed April 3, 2011)

<sup>81</sup> Czechoslovakia signed both United Nation Covenants on 7 October 1968 and ratified them on 23 December 1975. United National Treaty Collections, at [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-4&chapter=4&lang=en&clang=\\_en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en&clang=_en) (accessed April 3, 2011)

<sup>82</sup> "Charter 77", *Economic and Political Weekly*, Vol. 12, No. 21 (May 21, 1977), pp. 831-833, at <http://www.jstor.org/stable/4365612> (accessed April 3, 2011)

word and called for an intellectual rebellion against Czechoslovakian totalitarianism. More specifically, the Charter advocated in favors of human rights and human freedoms within the communist countries and cross nationally. More specifically, it referred to Principle VII of the Helsinki Final Act that asked the participating states to show “respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief”.<sup>83</sup> This way, Czechoslovakian dissidents used the Helsinki Final Act as a tool in order to fight the communist regime within a legal framework.

Evidently, the text of the Charter 77 was illegal because the Czechoslovakian Communist Party perceived it as “an anti-state, anti-socialist, anti-people and demagogic squib”<sup>84</sup>. Disseminating contents of the document was deemed a political crime and as a result, retaliation ensued. Most of its signers lost their employment, were denied, had their driving license suspended, or naturally, were imprisoned.

The communist regime raised, unintentionally, awareness on the movement by organizing an anti-campaign against the Charter<sup>85</sup>. The government anti-campaign helped the organization gain notoriety. The oppression against the Charter’s signatories generated a support group, namely, The Committee for the Defense of the Unjustly Persecuted (Výbor na obranu nespravedlivě stíhaných)<sup>86</sup>, which made public facts about the fate of those associated with the Charter. Thus the government sponsored anti- Charter movement was not very

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<sup>83</sup> Helsinki Final Act, Conference on Security and Cooperation in Europe, Helsinki, 1 August 1975, at <http://www.hri.org/docs/Helsinki75.html> (accessed March 19, 2011)

<sup>84</sup> Ibid 82 (Economic and Political Weekly)

<sup>85</sup> The Czechoslovak Communist Party together with the official artistic, music, and literary associations issued an anti-Charter 77 movement called "For New Creative Deeds in the Name of Socialism and Peace", at Communist Party of Czechoslovakia, "Czechoslovak Anti-Charter 1977," *Making the History of 1989*, Item #22, at <http://chnm.gmu.edu/1989/items/show/22> (accessed April 2, 2011).

<sup>86</sup> Charter 77", *Economic and Political Weekly*, Vol. 12, No. 21 (May 21, 1977), pp. 831-833, at <http://www.jstor.org/stable/4365612> (accessed April 3, 2011)

effective since “signatories were not intimidated by the campaign and people showed no anger against the Charter.”<sup>87</sup> Moreover, the Charter has become the “focus of Czechoslovak politics.”<sup>88</sup> Hence, in the 1980s Charter members became more involved in organizing the opposition against the communist establishment thereby generating the so called “1989 Velvet Revolution”. During this period they managed to negotiate a smooth transfer of political power from dictatorship to democracy, which in turn led the collapse of the communist regime.

Charter 77 movement must be understood in the broader context following the Prague Spring - a period of liberalization that was started by reformist Alexander Dubcek in January 1968 and lasted until August 21, when the Soviet Union and the Warsaw Pact allies (minus Romania) invaded the country to curb the anti-communist reforms<sup>89</sup>. For instance, Petruška Šustrová, signatory and spokeswoman of Charter 77<sup>90</sup> believes that the legacy of the Prague Spring and its atmosphere of “freedom, trust, and exchange of views”<sup>91</sup> inspired the Czechoslovakian society immediately and thereafter the 1968 events. Furthermore, Anna Sabatova, another Charter 77 signatory, testifies that it represented the consequence of “the emotions of 1968 and of the international legal architecture that emerged in the wake of those

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<sup>87</sup> Ibid 86 (Economic and Political Weekly)

<sup>88</sup> Ibid 86 (Economic and Political Weekly)

<sup>89</sup> “World: Europe remembering the Prague Spring”, *BBC News*, August 21, 1998, at <http://news.bbc.co.uk/2/hi/europe/155500.stm> (accessed April 2, 2011)

<sup>90</sup> Petruška Šustrová is a signatory of Charter 77. Later she served briefly as the vice-president of the Ministry of Interior of the Czech Republic in 1990-1991. Currently, she is a journalist publishing on Czech politics and issues related to the transition of the Post-Communist states. From Michael Long’s “Making History - Czech voices of dissident and the revolution of 1989”, Rowman & Littlefield Publishers, Inc, 2005.

<sup>91</sup> Petruška Šustrová, “Czechoslovakia: Lines of Tanks in Prague”, Goethe-Institut, The Global Revolt, at <http://www.goethe.de/ges/pok/prj/akt/wlt/oeu/ces/en2963783.htm>

tumultuous events”<sup>92</sup>. “Most of those of us who signed it were driven by our feelings stemming from those days”<sup>93</sup>, explains Sabatova. She believes that a crucial element leading to the development and promotion of Charter 77 has to do with the new climate in Europe, which changed once the OSCE/CSCE has become the official monitoring in relation to human rights and proclaimed its support for human rights organization. According to Sabatova, one of Charter’s 77 lessons for activists is its broad membership, namely its encompassing spectrum of its adherents. As stated above, the movement brought together people of diverse backgrounds, politicians of various ideologies (conservatives, democrats, and liberals, revolutionary Marxists). It even appealed to those who had been expelled from the Communist Party after 1968 - “who had tried to reform the totalitarian state from within during the heady days of the Prague Spring”;<sup>94</sup> to atheists and Christians but also artists, writers, and laborers.<sup>95</sup>

Today’s political context Kazakhstan context is different than it was three decades ago in Czechoslovakia. Perhaps one of the reasons for the OSCE’s inability to play a more significant role in Kazakhstan could be attributed to the lack of ideological antagonism between the East and West. During the Cold War the Western bloc was involved in an

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<sup>92</sup> Anna Sabatova, “From 1968 to Charter 77 and To 1989 and Beyond”, *Radio Free Europe/Radio Liberty*, August 19, 2008, at [http://www.rferl.org/content/From\\_1968\\_To\\_Charter\\_77\\_To\\_1989\\_And\\_Beyond/1192331.html](http://www.rferl.org/content/From_1968_To_Charter_77_To_1989_And_Beyond/1192331.html) (accessed April 3, 2011). Sabatova was a founding member of Charter 77 and won the UN Human Rights Award in 1998. She is the head of the Czech Helsinki Group

<sup>93</sup> Ibid 92 (Sabatova)

<sup>94</sup> Anna Sabatova, “From 1968 to Charter 77 and To 1989 and Beyond”, *Radio Free Europe/Radio Liberty*, August 19, 2008, at [http://www.rferl.org/content/From\\_1968\\_To\\_Charter\\_77\\_To\\_1989\\_And\\_Beyond/1192331.html](http://www.rferl.org/content/From_1968_To_Charter_77_To_1989_And_Beyond/1192331.html) (accessed April 3, 2011)

<sup>95</sup> Ibid 94 (Sabatova)

ideological competition with the Soviet Union and supported the anti-communist dissident movements. Nowadays, Western countries are more preoccupied with identifying new economic opportunities to enhance their partnership with Kazakhstan and therefore pay less attention to the differences among them and the Central Asian nations.

On the other hand, Kazakhstan's civil society is different from the one three decades ago in Czechoslovakia, where Charter 77 benefited of Prague Spring's legacy and was influenced by the environment following the tumultuous 1968 events. Although subject to various pressures from Kazakh authorities, civil society groups managed to be quite proactive in taking stands against government policies and advocating for reforms. However, they have been divided over supporting Kazakhstan's bid for the OSCE chairmanship. While many of NGOs believed that the chairmanship would be nothing but an opportunity for president Nazarbayev to consolidating power, few organizations supported Astana's bid to chair the OSCE hoping that "the pride of one-year chairmanship would inspire human rights improvements"<sup>96</sup>.

Among its supporters was Yevghenyi Zhovtis, a renowned human rights activist and head of Kazakhstan International Bureau for Human Rights and Rule of Law, who hoped that the chairmanship would trigger political reforms, particularly after the country's pledges in anticipation of the chairmanship. According to *The Economist*, Zhovtis "believed at the time there was little else left that could push a country with a one-party parliament and growing oil exports towards change".<sup>97</sup> Zhovtis' disappointment was even greater when, just few

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<sup>96</sup> "Kazakhstan's human rights record. Dangerous driving. A car accident gives a reason to put an irritant behind bars", *The Economist*, September 10, 2009, at [http://www.economist.com/node/14419379?story\\_id=14419379](http://www.economist.com/node/14419379?story_id=14419379))

<sup>97</sup> Ibid 96 (The Economist)

months before Kazakhstan taking over the chairmanship, he was imprisoned for vehicular manslaughter without due process.

Another supporter of the chairmanship was Nazarbayev's former son-in-law and former ambassador to the OSCE, Rakhat Aliyev, who turned into the President's enemy since 2007. In an open letter to the OSCE participating states and international human rights organizations, he expressed regrets for supporting Kazakhstan's bid and complained that the "government has for the most part ignored recommendations on the substance of the reform".<sup>98</sup> Furthermore, he asked the OSCE participating states to openly recognize "that they made a terrible mistake at the Madrid OSCE Ministerial Council being consented to give the Kazakh Regime an opportunity to lead this respectful international organization"<sup>99</sup>.

In fact, Kazakh civil society organizations demanded repeatedly that the government comply with both the OSCE and Madrid Commitments. Even more, Kazakh government compliance with the OSCE and Madrid Commitments has been scrutinized by local NGOs both before and during the chairmanship. For instance, Kazakhstan International Bureau for Human Rights and Rule of Law, International Foundation for the Freedom of Speech "Adil Soz", Ecological Association "Green Salvation", Legal Policy Research Center, Public Policy Research Center, Public Foundation "Charter for Human Rights", and Almaty Helsinki Committee - prepared a document about Kazakhstan's compliance with the OSCE commitments on democracy in the wake of the OSCE chairmanship<sup>100</sup>.

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<sup>98</sup> Open Letter to the OSCE participation states, OSCE/ODIHR, international non-governmental human rights organizations, by ex-Permanent representative of Kazakhstan to the OSCE, Dr. Rakhat Aliyev, April 12, 2010, at <http://rakhat.org/news/open-letter.html> (accessed April 3, 2011)

<sup>99</sup> Ibid 98 (Open Letter)

<sup>100</sup> "Progress review: Kazakhstan's OSCE commitments on democracy and rule of law in the wake of Kazakhstan" upcoming OSCE chairmanship", Kazakhstan International Bureau for Human Rights and Rule of



In order to fulfill its political and civil rights pledges several Kazakh NGOs working groups focused on legislative change and put forward joint proposals related to political and civil rights. For instance, Kazakhstan International Bureau for Human Rights and Rule of Law, Charter for Human Rights, and the National Network of Independent Monitors, together with Kazakhstan's leading opposition part, Azat, participated in the working group of the Kazakh Central Electoral Commission in order to discuss the reform on electoral process and made recommendations on the draft law.<sup>101</sup> In few cases, the government has taken into consideration the NGOs proposals, whereas in other instances the authorities ignored civil society recommendations.

Although Kazakh civil society embraced the OSCE principles and used them to demand compliance with international standards, it proved to be unable to be a changing force. At the end of the day civil society's failure to persuade the government to advance reforms could be attributed mainly to Nazarbayev's strong leadership and his near total control of Kazakh politics, legislative, and judiciary branches. Kazakh authorities remained unresponsive to the several public demands from the NGOs to further significant democratic reforms.

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Law, International Foundation for the Freedom of Speech "Adil Soz", Ecological Association "Green Salvation", Legal Policy Research Center, Public Policy Research Center, Public Foundation "Charter for Human Rights", and Almaty Helsinki, September 2008, at <http://www.freedomhouse.org/uploads/KazakhstanProgressReview.pdf> (accessed April 4, 2011). The review was prepared in the framework of Freedom House's project on monitoring OSCE commitments in the light of the upcoming Kazakhstan's OSCE chairmanship.

<sup>101</sup> "Progress review: Kazakhstan's OSCE commitments on democracy and rule of law in the wake of Kazakhstan's upcoming OSCE chairmanship", Kazakhstan International Bureau for Human Rights and Rule of Law, International Foundation for the Freedom of Speech "Adil Soz", Ecological Association "Green Salvation", Legal Policy Research Center, Public Policy Research Center, Public Foundation "Charter for Human Rights", and Almaty Helsinki, September 2008, at <http://www.freedomhouse.org/uploads/KazakhstanProgressReview.pdf> (accessed April 4, 2011).

## **V. KAZAKHSTAN – NATURAL RESOURCES BUT NO DEMOCRACY**

### **Introduction**

This section will tackle the second major cause for Kazakhstan's failure to improving civil and political rights, the Central Asian nation itself, the leadership, opposition, and civil society.

A former Soviet republic, today's Kazakhstan is roughly of the size of Western Europe, and one of the world's major holders of oil, gas, and minerals. A predominantly Muslim country with a large Russian ethnic group, Kazakhstan is by far the most developed Central Asian economy, largely because of the extractive industry of oil and gas. With a constant economic growth in the past decade and benefitting of an extraordinary geo-strategic position between two of the global powers, Russia and China, Kazakhstan has made it attractive to both Russia and United States which poured massive investments in its extractive industry. Today, oil and gas products represent more than half of its exports and Kazakh oil is one the major suppliers of the European and Russian markets. This section will look more onto how the external factors and internal conditions have constituted an obstacle for furthering democracy and improving human rights. Among these are the country's geo-strategic factor, its vast natural resources, and internal political situation, along with the proximity to Russia.

Twenty years after independence, Kazakhstan is not model democracy, since there is no parliamentary opposition and the civil society is striving to overcome the constant pressure from the authorities. However, Western democracies have turned a blind eye on human rights violations and continue doing profitable business in the region by exploiting the Central Asian's nation enormous natural resources. In addition, the country's geo-strategic position at the crossroad of two major powers and a number of Western interests makes Kazakhstan to be seen a desirable strategic partner in the region for both western and eastern nations. Not in the least, the proximity to Russia and the close political and economic links between Astana and Moscow does not give too much room for Kazakhstan to make an effort deliver democratic reforms, as Russia would rather have a likeminded neighbor abiding to the peculiar Russian democracy than to Western values. At the end of the day, the combination of these four elements proved to be a non-incentive for Kazakhstan to change its behavior.

### **1. The Natural Resources Factor**

Perhaps the main reason Kazakhstan had not followed through with democratic progress relates to its nature of its oil-based economy. As a result, president Nazarbayev has not had any credible incentives in order to move the status quo toward democratization. At the same time, Western powers also hesitated to apply substantial pressure, being content to maintain advantageous economic relations with Astana. More specifically, Western, Russian, and Chinese companies have all profited extensively from doing business with Kazakh oil and gas. Among major investments it worth mention the pipelines connecting Russia by the Novosibirsk at the Black Sea, the Western-sponsored Baku-Tbilisi-Ceyhan pipeline aimed lessen the dependence on Russia as a transit country, or the pipelines connecting China.

According to the NPR (National Public Radio), “American oil companies are the biggest players in Kazakhstan, with more than \$13 billion invested”.<sup>102</sup> Today oil and gas products represent more than half of the country’s exports and Kazakh oil is one of the major suppliers of both European and Russian markets.

Evidently, the lack of democratic progress is a result of both sides’ rational calculations: they have basically weighted their economic interests versus acting in response to violation of human rights. None of the Western state, including the US, would jeopardize their economic interests and take a critical stance just because Astana continues to register low scored on human rights or does little to advance democracy.

Hence, the Kazakh leadership has not faced any pressure significant enough to shift values and attitudes, and thus improve its human rights records. As such, Kazakhstan failed to fulfill the political commitments made during the 2007 OSCE Ministerial Council in Madrid, when Astana was chosen to chair the organization in 2010.

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<sup>102</sup> Ivan Watson, “Global Competitors Clamor for Kazakhstan’s Oil”, *NPR*, June 28, 2007, at <http://www.npr.org/templates/story/story.php?storyId=11425759>

## **2. The Geo-Strategic Factor**

Kazakhstan's unique position between the world's two big powers and in the immediate vicinity of a several nuclear powers (Russia, China, India, Pakistan), in addition to the relative geographical proximity to Afghanistan, makes Kazakhstan a strategic partner. From this perspective Nazarbayev's twenty years of dominant leadership has had substantial influence: a factor of political stability in the region which prevented the country fall under violent confrontations, unlike in neighboring Kyrgyzstan<sup>103</sup> and Tajikistan.<sup>104</sup> Nazarbayev made great efforts to introduce Kazakhstan as a reliable regional player, and from this perspective, the international community are expecting Astana play a key role in maintaining the security and stability in this volatile region.

The geo-strategic card plays a crucial role for the US-Kazakhstan relation, as both countries enjoy a long term strategic partnership. In fact, Astana was the first Central Asian country that had offered assistance to the US following the 9/11 attacks and later on supported the US-led coalition in Iraq. After the US closed its military base in Kyrgyzstan at Manas (which was a crucial base for coalition military operations in Afghanistan), Washington is seeking seeks another friendly state in the region to host its bases and Kazakhstan may be a candidate. For now, Astana and Washington have an agreement under which Kazakhstan allows US planes to fly across its domestic air space to supply military equipment to American forces deployed in Afghanistan. The two countries also enjoy a

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<sup>103</sup> The Kyrgyz Tulip Revolution of spring 2010 overthrew President Askar Akayev. In spring 2011 ethnic clashes took place between ethnic Kyrgyz and Uzbek in southern Kyrgyzstan.

<sup>104</sup> According to IRIN Humanitarian News and Analysis (a service of the United Nations for the Coordination of the Humanitarian Assistance), the Civil War in Tajikistan between 1992 and 1997 left t least 50,000 people dead. "Tajikistan: civil war left one in three women victims of domestic violence", IRIN Humanitarian News and Analysis, September 1, 2004 <http://www.irinnews.org/PrintReport.aspx?ReportID=62834> (accessed April 3, 2011)

significant cooperation in security and non-proliferation area. Kazakhstan had renounced nuclear weapons in 1993 and the US has assisted with the removal of nuclear warheads<sup>105</sup>. Nonetheless, Kazakhstan enjoys strong ties with NATO and is a member of both the European Partnership Council and the Partnership for Peace, a framework under which is annually holding joint peacekeeping exercises with the member states of the Euro-Atlantic military organization.<sup>106</sup>

The US has not been very supportive of Kazakhstan's bid to the OSCE chairmanship because of the country's poor political and civil rights records and requested a review session from the Human Rights Council of the United Nations. However, at the end of the day Washington seemed to turn a blind eye on the outcome of the chairmanship. Although President Barack Obama did not participate at the summit in Astana and sent Secretary of State Hillary Clinton instead, many observers argue that she has not been very critical to the lack of reforms implemented by Kazakh government in connection to the Madrid Commitments. One more time, geo-strategic and economic interests have prevailed over human rights.

### **3. The Russia Factor**

The third external factor to be considered determining Kazakhstan's poor performance in the human rights areas is Russia and the remaining close ties to Moscow, in

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<sup>105</sup> US Department of State, Bureau of South and Central Asian Affairs, *Background notes: Kazakhstan*, April 20, 2010, at <http://www.state.gov/r/pa/ei/bgn/5487.htm> (accessed April 4, 2011). Kazakhstan signed the Non-Proliferation Treaty in 1993.

<sup>106</sup> More on NATO's relation with Kazakhstan is available at: <http://www.nato.int/issues/nato-kazakhstan/index.html> (accessed January 20, 2011)

spite of the formal independence gained in 1991. Remaining in Russian sphere of influence, Astana has constantly collaborated with Moscow in the Commonwealth of the Independent States (CIS), the most significant cooperation structures involving former Soviet republics and in which Russia has a dominant role, and in the Collective Security Treaty Organization, a regional security and cooperation mechanism capable of advancing joint military capabilities<sup>107</sup>. More significantly, Russia is Kazakhstan's major trade partner, holding a little over a quarter of Central Asian nation's overall imports (while the largest export partner is China).

With an increasingly centralized political system that is concentrated around the presidency, still under Putin's influence, and with a weak multiparty system clearly dominated by Russia United (supporting the president), Russia falls short from any ideal of democracy. Nonetheless, the OSCE has exposed repeatedly serious misconduct and abuses in the past Russian legislative elections<sup>108</sup> and human rights organization constantly criticize Moscow for increasing control on the civil society. As Russia is not regarded as the forefront for human rights, Moscow does not have an interest watching democracy flourishing in Kazakhstan. For example, a Washington D.C.-based expert put it, while referring to Russia's presence in the OSCE, that of a "wolf among sheep" and "it is more likely that the wolf will try to change the sheep's behavior, and not the other way around."

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<sup>107</sup> The member states of the CSTO are Russia, Armenia, Kazakhstan, Kyrgyzstan, Uzbekistan, and Tajikistan. Globalsecurity.org, Collective Security Treaty Organization, at <http://www.globalsecurity.org/military/world/int/csto.htm> (accessed January 20, 2011)

<sup>108</sup> In a joint statement the OSCE and Council of Europe experts said that the 2007 legislative elections in Russia were not free. "Monitors denounce Russian elections" BBC, December 3, 2007, at <http://news.bbc.co.uk/2/hi/europe/7124585.stm> (accessed march 29, 2011)

#### 4. The Authoritarian Rule and Weak Opposition Factor

Nevertheless, the most important issue pertains to Nazarbayev's strong leadership and efforts opposition and civil society undertake to elicit tangible democratic changes.

Kazakhstan is far from a democracy, is a "presidential republic", which displays strong features of an authoritarian regime. Thus, Nazarbayev is the former General-Secretary of the Kazakh Communist Party and the only Kazakh president that held power after the 1991 independence from the Soviet Union. Observers note that throughout these years he had developed quite a personality cult. For instance, in 2010 the Kazakh Parliament passed a law which awarded Nazarbayev with the title "Father of the Nation" that gives him and his family lifetime immunity from criminal prosecution upon leaving office<sup>109</sup>. Even more, Nazarbayev's birthday has been declared Astana Day, via official legislation<sup>110</sup>

Therefore, Kazakhstan has been nothing else, but "a strong and personalized presidential system by extending his patronage over the key political institutions, media outlets, the judiciary, executive bodies, and the business sector by offering considerable rewards to entrepreneurs, professionals, and technocrats in exchange for their loyalty and support"<sup>111</sup>. Although Nazarbayev rhetorically advocates for democracy, in fact he is afraid that a drastic change may harm both Kazakhstan's political stability of the country and jeopardize its economic development. However, despite its economic wellbeing and its close ties to many Western nations, Kazakhstan stands out in many reports for abuses and

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<sup>109</sup> Rayhan Demytrie, "Kazakhstan seeks image boost from OSCE summit", *BBC News*, November 30, 2010, at <http://www.bbc.co.uk/news/world-asia-pacific-11880257> (accessed December 5, 2010)

<sup>110</sup> Alexandr Bokatik, "Kazakhstan's glorification of Nazarbayev reaches new height", *Central Asia Online*, July 5, 2010, at [http://centralasiaonline.com/cocoon/caii/xhtml/en\\_GB/features/caii/features/main/2010/07/05/feature-01](http://centralasiaonline.com/cocoon/caii/xhtml/en_GB/features/caii/features/main/2010/07/05/feature-01) (accessed April 3, 2011)

<sup>111</sup> Bhavna Dave, Freedom House, *Nations in Transit 2010, Kazakhstan*, at <http://www.freedomhouse.eu/images/Reports/NIT-2010-Kazakhstan-final-final.pdf> (accessed March 6, 2011)



violations of human rights, especially those related to freedom of media, freedom of religion, freedom of assembly, torture, political participation.

Currently, there is no opposition party represented in the Parliament, as none of the opposition parties were able to cross the seven percent electoral threshold to make it to the legislative branch. In the last 2007 election the presidential party Nur-Otan (named after Nazarbayev, which follows the Russian model introduced by Vladimir Putin and his party, Russia United) won all the seats via party list. “A personality cult centered on the president has only intensified since Nazarbayev, according to official results, secured 91 percent of the vote in the 2005 presidential election”, notes a Freedom House report.<sup>112</sup>

Lacking representation in the Parliament and facing constant persecution and pressure, opposition parties and Nazarbayev’s opponents struggled hard to elicit effective democratic transformation of the country. Although Kazakh civil society is active and advocates for democratic development it does not have the necessary capacity or the tools to leverage towards visible adjustments closer to western values.

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<sup>112</sup> Bhavna Dave, Freedom House, *Nations in Transit 2010, Kazakhstan*, at <http://www.freedomhouse.eu/images/Reports/NIT-2010-Kazakhstan-final-final.pdf> (accessed March 6, 2011)

## **VI. CHOOSING KAZAKHSTAN – THE BATTLE BEHIND THE SCENE**

### **Introduction**

This section discusses how Kazakhstan managed to be chosen to chair the 2010 chairmanship of the OSCE and the reasons behind the selection in spite of its poor human rights record. The chairmanship came as a compromise offered to Russia to appease long time discontent between the Eastern and Western groups of states within the organization.

After an unsuccessful attempt in the mid-1990s to transform the organization into the most important European security structure and thus block NATO enlargement in the region,<sup>113</sup> Russia began voicing its dissatisfaction with the core activities of the OSCE. Moscow complained that the OSCE focused too much on democracy and human rights issues, while neglecting the economic and security dimensions, and that it paid a greater-attention to the developments east of Vienna, namely in post-Soviet society and ignoring the human rights violations in Western countries and their allies.

The under-representation of the East bloc in the OSCE institutions and field missions, headed by Western and Americans diplomats, represented another area that prompted harsh complaints. Additionally, repeatedly Moscow threatened to block the OSCE budget for field missions, which Russia threatened to obstruct it unless Russian-back reforms were considered.

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<sup>113</sup> Discussion with Douglas Davidson, former US Deputy Representative to OSCE in Vienna, on December 6, 2010, in Washington, D.C.

In this context Kazakhstan was the ideal candidate which satisfy the Eastern bloc demands since it was the most developed of the Central Asian nations and its politics were the least repressive.

After a couple of years of sustained campaigning conducted by the Kazakh establishment, combined with pledges to deliver democratic reforms and Russian lobby, Astana received the OSCE chairmanship for 2010. This decision appeased Russia and was seen by observers as an extended a hand to the East bloc.

### **1. A Compromise for Russia's Sake**

Choosing Kazakhstan to chair the 2010 chairmanship of the OSCE raised many eye brows regarding Astana's capacity to deliver on human rights promises and strengthen the organization. The choice of the Central Asian nation was intended to appease the tensions existing between the Western and Eastern blocs within the organization, since the Eastern group led by Russia had complained for several years that the OSCE was focusing on human rights violations east of Vienna and less attentive to economic and security issues. Moscow was upset that OSCE was more concerned with strengthening democracy in former Soviet republics and had been extensively involved in election monitoring as to disclose electoral misconduct<sup>114</sup>.

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<sup>114</sup>The OSCE exposure of the fraudulent initial results of the 2004 Ukrainian elections and the role it played in negotiating the agreement that led to new elections angered Russia believed that the election monitoring was too political and the organization was meddling in Russian sphere of influence. OSCE was also critical to Vladimir Putin's way of doing politics and raised awareness against increasing authoritarianism in Russian politics. Discussion with Robert Jenkins, Director for Center for Slavic, Eurasian, and East European Studies, University of North Carolina at Chapel Hill, on November 16, 2010, in Chapel Hill.

According to Russian affairs expert Vladimir Socor, Moscow argued that the OSCE activities are “doubly imbalanced”; on the one hand, “focusing selectively on democracy issues while neglecting all-European military-security issues”<sup>115</sup>, and on the other hand, targeting only political developments in post-Soviet countries “while ignoring the flawed elections and human-rights violations in Western countries and their new allies.”

Russia’s discontent with the OSCE dates back to the 1990s when Moscow failed in its efforts to prevent NATO enlargement to Eastern Europe and the Baltic region because it had envisioned the OSCE would become the main security organization in the region and an alternative to NATO. “Moscow believed that OSCE could become a significant security wing to cover Europe and Central Asia, with countries like Romania, Turkey Russia, Georgia, and Moldova. NATO would not have been necessary anymore and why then to extend the Euro-Atlantic military alliance?” observes Douglas Davidson.<sup>116</sup>

On the other hand, Russia and the Commonwealth of Independent States members have been dissatisfied with the OSCE criticism of elections in former Soviet republics. For instance, in 2004 they expressed their discontent in a statement that has accused the OSCE of “not respecting the national sovereignty and internal affairs of the countries in which it operates”<sup>117</sup>.

Subsequently, Russia complained about the under-representation of the Eastern bloc in the OSCE institutions as well. Most of the organization’s offices and missions, including

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<sup>115</sup> Vladimir Socor, “OSCE reform or a new lease on life”, *Eurasia Daily Monitor*, Volume: 1 Issue: 148, at [http://www.jamestown.org/programs/edm/single/?tx\\_ttnews%5Btt\\_news%5D=27303&tx\\_ttnews%5BbackPid%5D=175&no\\_cache=1](http://www.jamestown.org/programs/edm/single/?tx_ttnews%5Btt_news%5D=27303&tx_ttnews%5BbackPid%5D=175&no_cache=1) (accessed February 28, 2011)

<sup>116</sup> Discussion with Douglas Davidson, former US Deputy Representative to OSCE in Vienna, on December 6, 2010, Washington D.C.

<sup>117</sup> Roland Eggleston, “OSCE: Election Experts Debate Russian Criticism”, *Radio Free Europe/Radio Liberty*, April 22, 2005, at <http://www.rferl.org/content/article/1058603.html> (accessed March 29, 2011)

election monitoring missions, are headed by US and Western diplomats. Given that, Moscow has advocated for equal positions for the representatives from the Eastern bloc.

Another major battlefield was the OSCE budget. In 2004 Russia moved to block the 2005 budget funding necessary for the field missions, unless the organization would introduce Russian backed reforms and shift its focus on the economic and security dimensions.

This was in fact the environment in which Russia demanded a sympathetic candidate, while at the same time Russia was too skillfully not to push for its own candidacy<sup>118</sup>. Russia sought suitors from the Eastern bloc and Kazakhstan seemed to be the perfect candidate for the job. Many would argue that Kazakhstan was actually the only alternative, since it was the most developed among the Central Asian countries and its politics were the least repressive.

At the same time, Kazakhstan has conducted a tireless campaign to convince the OSCE participating states that it deserves to chair the organization. In fact, Kazakhstan aimed at chairing the organization in 2009, but the delay with a year was partly because of the concerns raised by the United States about “how stoutly Kazakhstan would uphold the OSCE’s core commitment to democracy and human rights”.<sup>119</sup> Kazakhstan has been given more time until 2010 to amend the legislation aimed at improving the human rights framework in the country.

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<sup>118</sup> Discussion with Robert Jenkins, Director for Center for Slavic, Eurasian, and East European Studies, University of North Carolina at Chapel Hill, on November 16, 2010, in Chapel Hill.

<sup>119</sup> Jonathan Fryer, “Kazakhstan’s priorities for OSCE”, *Diplomat*, March 31, 2010, at [http://www.diplomatmagazine.com/index.php?option=com\\_content&view=article&id=249&Itemid=](http://www.diplomatmagazine.com/index.php?option=com_content&view=article&id=249&Itemid=) (accessed April 7, 2011)

Members of the Kazakh establishment conducted a “relentless campaign ...to raise its international profile through a mix of diplomacy, intense public-relations activities.”<sup>120</sup>

Kazakhstan’s main argument in support of its bid was that it would be capable of healing the growing rift within the organization, but also that it would take the necessary steps to improve the country’s civil and political rights framework.

According to a document prepared by Freedom House and local Kazakh NGOs a significant factor in favor of Astana’s candidacy was “the fear of creating an even larger split within the organization should Kazakhstan not be granted the chairmanship”.<sup>121</sup>

Lastly, another factor leading to the Kazakh leadership of the OSCE was its pledges made at the 2007 Ministerial Council in Madrid where Kazakhstan was chosen to chair the organization. The Kazakh Minister of Foreign Affairs Marat Tazhin delivered a speech in which he laid down plans for the country’s further democratic progress and promised that his country would take the necessary steps to undergo significant political reforms in the field of media, the political participation, and electoral processes.

In this way, Kazakhstan’s selection to the OSCE chairmanship satisfied the Eastern bloc demands and, at the same time, quelling some of Russia’s complaints. At the end, it looked like a hand extended to the East in the aim of bridging the gap between the Eastern and Western blocs.

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<sup>120</sup> Bhavna Dave, Freedom House, *Nations in Transit 2010*, Kazakhstan, at <http://www.freedomhouse.eu/images/Reports/NIT-2010-Kazakhstan-final-final.pdf> (accessed March 6, 2011)

<sup>121</sup> Freedom House, *Kazakhstan ‘s OSCE commitments on democracy and rule of law in light of upcoming Kazakhstan OSCE chairmanship*, September 2008, at <http://www.freedomhouse.org/uploads/KazakhstanProgressReview.pdf> (accessed March 6, 2011)

However, several experts argue that due to its poor human rights record, the Kazakh chairmanship was perceived as a risk of devaluating the organization's efforts in the human rights field.

## VII. CONCLUSION

The Astana summit ended on December 2, 2010 and so too did Kazakhstan's one year chairmanship of the OSCE. Many argue that both the chairmanship and the summit were nothing but a "foreign policy advertisement", as political analyst Dosym Satpayev<sup>122</sup> put it, and the chairmanship did not produce the expected changes. No real progress has been achieved in terms of democratic reforms since Kazakh authorities did not fulfill the pledges they made in Madrid with regard to political and civil rights. Observers argue that, at best, the human rights situation stagnated if not deteriorated and from this perspective the chairmanship was a "failure". Moreover, there is no guarantee that reforms will take place in the near future. Observers believe that by achieving this major foreign policy goal of having Kazakhstan chairing as the OSCE Nazarbayev is no longer concerned with domestic and international criticism and hence he will not respond to any external pressure for addressing the human rights question. However, one could argue that fundamental changes do not happen overnight and it takes long time for results to be seen, especially when the transformations concern Soviet-model based societies which have never been highly rated on human rights<sup>123</sup>.

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<sup>122</sup> Raushan Nurshayeva, "Fanfare, criticism before Kazakhstan's OSCE summit," Reuters, November 26, 2010, at <http://www.reuters.com/article/idUSTRE6AP1JR20101126?pageNumber=1> (accessed March 20, 2011)

<sup>123</sup> Discussion with Kathleen Kuehnast, Director of Gender and Peacebuilding Center from the United States Institute of Peace on December 6, 2011 in Washington D.C.



The chairmanship provided an opportunity for highlighting certain realities about Kazakhstan and the OSCE. It has again emphasized, if needed, on the OSCE's limitations in taking actions against those participating states that do not fulfill their commitment, in addition to highlighting the burdensome given the consensus-based decision making process. From this perspective, the OSCE is hardly very efficient, which makes Professor Stephen Blank bluntly stated that "today OSCE is a paralyzed organization"<sup>124</sup>.

The OSCE does not have the capacity to influence or promote major changes, at least not in non-democratic regimes, other than exposing unsatisfactory electoral conduct. Given its institutional weakness, one could say that the OSCE's role is more or less constrained just to bringing a wide array of states together for discussion but with no major policy or behavioral changes.

Although the Madrid Commitments enjoyed a certain domestic reverberation before and after the chairmanship and Kazakh civil society may have used the organization's principles to demand the government comply with its pledges made improve human rights situation, the OSCE failed to be a catalyst for democratization. Local civil society actors raised awareness on the need to abide by the international commitments the country had agreed upon and on how to implement international standards. They also criticized the government when it failed to do so. However, it looked like their actions had no considerably effect on the performances of the Kazakh leadership.

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<sup>124</sup> Discussion with Stephen Blank, McArthur Professor of National Security, Strategic Studies Institute, US Army War College, on December 2, 2010.

At least for the time being, it is obvious that economic interests continue to prevail over other issues and Western nations will employ a double standard when dealing with human rights. While rhetorically would champion for human rights and would send out messages about necessity of complying with the international standards, the Western nations seem to be more concerned about securing access to Kazakh natural resources. For example, in July 2010 Royal Dutch Shell signed an agreement with KazMunaiGas - the Kazakh state-owned gas and oil company - to jointly manage production at the Kashagan oil field in the Caspian Sea<sup>125</sup>.

Although the chairmanship “has not changed the basis for Kazakhstan with regard to democracy, at least not in the short term”, as Douglas Davidson argues, it nevertheless achieved international publicity for the Central Asian state. If Nazarbayev’s intention was to show the world that Kazakhstan could be a regional player then he surely did. Some experts deem Kazakhstan prepared in taking up more significant roles in the near future, such as providing support to the US in persuading regional nuclear powers, like India and Pakistan, to sign the Non-Proliferation Treaty.<sup>126</sup>

Overall, two things remains certain: 1) until the organization undergoes an institutional transformation and improves its capacity to address the non-compliance with its standards one should not expect the OSCE to produce miracles in changing the behavior of its less democratic participating states; and 2) regardless of lack of democratic reforms or

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<sup>125</sup> Kashagan is developed by the North Caspian Operating Company consortium, that include the Italian company Eni, the French Total, and the American holdings ExxonMobil and ConocoPhillips among investors. “KazMunaiGas partners up with Shell on Kashagan production”, *Silk Road Intelligencer*, July 26, 2010, at <http://silkroadintelligencer.com/2010/07/26/kazmunaigas-partners-up-with-shell-on-kashagan-production> (accessed April 4, 2011).

<sup>126</sup> Discussion with Michael Lekson, Vice-President for International Development, United States Institute for Peace, on December 6, 2010, in Washington D.C.

human rights abuses, Kazakhstan and Western countries will continue enjoy a close cooperation driven by regional security concerns and preservation of access to the country's immense natural resources.

It looks like Kazakhstan's approach in conducting the country's affairs is guided by the principle "economics first, politics second". As a Kazakh official put it, "we, in Kazakhstan, believe that you can't build a democracy on an empty stomach".<sup>127</sup> Sadly, as long as this motto remains the basis of Kazakh model of governance and the country continues to neglect compliance with international standards, Kazakhstan's chances of democratization remain rather dismal.

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<sup>127</sup> Raushan Nurshayeva, "Fanfare, criticism before Kazakhstan's OSCE summit", *Reuters*, November 26, 2010, at <http://www.reuters.com/article/idUSTRE6AP1JR20101126?pageNumber=1> (accessed March 20, 2011)

## APPENDIX

### What Do Experts Say?

Several OSCE and Central Asian experts, as well as human rights activists have expressed their opinions on the relation on Kazakh chairmanship and its influence on democratic change. As noted above, many of the ideas, as reflected in the interviews I have conducted, have been incorporated in this thesis.

“Kazakhstan wanted to show that holding the chairmanship and organizing the first summit in 11 years proved the country’s capabilities to play as a world class leader and that it is being responsible to deal with international issues,” said Douglas Davidson, the former US Deputy Representative to the OSCE in Vienna.<sup>128</sup> However, the summit did not produce a very significant document and it did not achieve the level of the 2001 Bucharest Ministerial Council, which, in Douglas Davidson’s opinion, was the most successful recent summit to produce a notable political declaration.<sup>129</sup> In comparison, little has been accomplished at Astana summit. “The promise Kazakhstan has made has no consequences, as Astana failed to deliver on these promises”, explained Douglas Davidson. For him the failure of the chairmanship and of the summit “was partially because of the failure of Kazakhstan to deliver on human rights and fulfill the promises made in Madrid”, argued the US diplomat.

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<sup>128</sup> Discussion with Douglas Davidson, former US Deputy Representative to OSCE at Vienna, on December 6, 2010, in Washington. D.C.

<sup>129</sup> At the 2001 Bucharest OSCE Ministerial Council on December 3-4, 2001 held at the end of the Romanian chairmanship, the final declaration included the Bucharest Plan to Combat Terrorism.

“Overall, the membership has not changed the basic for Kazakhstan with regard to democracy, at least not in the short term, but it had more effect on people who have been inspired”, the career diplomat concluded. He added that one positive effect of the chairmanship is that Kazakhstan has invited OSCE experts to monitor the 2012 legislative elections.<sup>130</sup>

Stephen Blank, McArthur Professor of National Security at Strategic Studies Institute at US Army War College, said that the chairmanship and the summit was a “big thing” but “with no tangible outcomes”.<sup>131</sup> The Astana summit was “a big party for everybody, cynical, and brought no improvements”. According to Stephen Blank Kazakhstan wanted to show off that “it is a bridge between Eurasia and West”, although nobody, besides Russia, truly wanted Kazakhstan to chair the OSCE. “In Madrid Kazakhstan promised to deliver all kinds of reforms to improve democracy in the country, but in the end they have done nothing”, argues professor Blank. He believed that the OSCE is “a paralyzed organization” and therefore the chairmanship was just a “big party for everybody although they have not delivered on any issue”. “The chairmanship was successful in displaying that Kazakhstan is a strong and wealthy country. It was a PR success for Kazakhstan and Nazarbayev himself: they promised to do many things but at the end there was not much improvement on human rights”, Stephen Blank concluded.

For Kathleen Kuehnast, Director of Gender and Peacebuilding Center of Innovation and expert in Central Asian affairs from the United States Institute of Peace (USIP), the

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<sup>130</sup> Discussion with Douglas Davidson, former US Deputy Representative to the OSCE at Vienna, on February 8, 2011.

<sup>131</sup> Discussion with Stephen Blank, McArthur Professor of National Security, Strategic Studies Institute, US Army War College, on December 2, 2010.

chairmanship and the summit “was a PR success”.<sup>132</sup> During the ethnic conflict in Kyrgyzstan, which occurred during the chairmanship, Kazakhstan showed that “it can take the lead and solve the situation”. Kathleen Kuehnast argues that none of the Central Asian countries are rated highly on human rights, since their societies were based on the Soviet model. However, one notable aspect is that Kazakhstan has young and educated professionals who are a great asset for the country and can play an important role on the Kazakh foreign policy arena, Kathleen Kuehnast argued.

J. Michael Lekson, Vice-President for International Development at the USIP, believes that although the chairmanship may have not brought many decisive changes towards the path to democracy, Kazakhstan has demonstrated that among the Central Asian countries was “the only international player that has the stature to play in the international arena”.<sup>133</sup> Michael Lekson also argued that the country has well-trained diplomats, with significant international experience, and this could be another factor that may be taken into consideration when dealing with the region. He goes further and identifies a “niche” through which “Kazakhstan can provide support to the United States in connection to the Non-Proliferation Treaty. “ Kazakh diplomacy could play a significant role for the Non-Proliferation Treaty by pursuing countries in the region, like India and Pakistan, to get it signed”, Michael Lekson explained.

The USIP Vice-President’s appreciations to the high quality of Kazakh diplomats are echoed by other Washington, D.C.- based experts on Central Asia. They highlighted that it

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<sup>132</sup> Discussion with Kathleen Kuehnast, Director of Gender and Peacebuilding Center of Innovation, United States Institute for Peace, on December 6, 2010.

<sup>133</sup> Discussion with Michael Lekson, Vice-President for International Development, United States Institute for Peace, on December 6, 2010.

would be expected that the young generation of Kazakh diplomats help replacing old ideas with progressive ones and play an important role in balancing Russia, the US, and European partners. From this perspective the OSCE chairmanship was a major diplomatic success for Kazakhstan, as well as a personal success for president Nazarbayev. On the other hand, experts argue that civil society's opinion was not considered during chairmanship or the summit. They also admit that Nazarbayev was more concerned with promoting his international image rather than improving the country's reputation. Although the country failed to deliver on expectation, human rights situation in Kazakhstan did not get worse and the Central Asian nation seemed to be a little sensitive to international criticism and brought few changes in the domestic legislation.

“Kazakhstan had the opportunity to do something, but it did not use this opportunity”, Sam Patten, Senior Project Manager Eurasia Program from Freedom House, argued.<sup>134</sup> He also said that although the Astana summit's final declaration referred to the Helsinki Final Act principles which highlight the human rights dimension, no action plan has been mentioned in this regard. According to Sam Patten, the OSCE's Third Basket on human rights had no meaningful progress during Kazakh chairmanship. He believes that the chairmanship did not deliver any tangible products, did not strengthen the OSCE idea, nor did advance any specific mechanism for solving the frozen conflicts in the region. While Kazakhstan may have proved of being capable of organizing a summit of this importance, Sam Patten is questioning whether there was any meaning for this. “There is not very clear if there is any legacy and even Kazakhs have mixed feelings, some people feel proud while some feel that their taxes have been stolen”, concludes the human rights expert.

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<sup>134</sup> Discussion with Sam Patten, Senior Project Manager Eurasia Program, Freedom House, on December 7, 2010, in Washington, D.C.

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