

KAZAKHSTAN'S BID TO CHAIR THE OSCE: A FUNDAMENTAL RIGHT OR A FOOLHARDY AMBITION?

HEARING BEFORE THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE ONE HUNDRED TENTH CONGRESS FIRST SESSION

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COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

[The hearing was held at 10 a.m. in room 210 of the Cannon House Office Building, Washington, DC, Hon. Alcee L. Hastings, Chairman, Commission on Security and Cooperation in Europe, presiding.]

Commissioners present: Hon. Alcee L. Hastings, Chairman, Commission on Security and Cooperation in Europe; Hon. Benjamin L. Cardin, Co-Chairman, Commission on Security and Cooperation in Europe; and Hon. Christopher H. Smith, Ranking Member, Commission on Security and Cooperation in Europe.

Witnesses present: H.E. Erlan A. Idrissov, Ambassador of the Republic of Kazakhstan to the United States; David Merkel, Former Director for Central Asia, National Security Council; Robert Herman, Director of Programs, Freedom House; and Yevgeniy Zhovtis, Director, Kazakhstan International Bureau for Human Rights.

HON. ALCEE L. HASTINGS, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. HASTINGS. Ladies and gentlemen, the hearing will come to order.

I like to start on time. My understanding is several of the Commissioners will come along. As a matter of fact, as I speak, the ranking Commissioner is coming in the room.

But we'll begin with our opening statements and then go to our witnesses. I want to welcome all of you to this Commission hearing, and obviously there is great interest in the subject of our inquiry with reference to Kazakhstan's bid to chair the OSCE in 2009, and I consider it to be especially timely and important.

I'm not at all surprised at the level of interest that has been demonstrated not just by the presence of those of you here but others that have continuously spoken about this matter.

Much is at stake here. Indeed, one of the goals today is to illuminate just how much is at stake for Washington, for Kazakhstan, for Central Asia, for Russia, and for the OSCE which is known for its promotion of democracy, human rights and the rule of law.

The former Soviet republics joined the OSCE in 1992, thereby agreeing to implement all of its commitments on democratization and human rights.

Kazakhstan, like most of the ex-Soviet states, has found this a difficult transition. Consequently, Kazakhstan's candidacy has been controversial, ever since it was put forward in 2003.

For Washington and for many other OSCE capitals, Kazakhstan's bid crystallizes the competing imperatives of seeking to promote democracy while maintaining and strengthening ties with an energy-rich, moderate Islamic state eager to build good relations with the Western world.

Washington has consistently said to Kazakhstan that the United States supports Astana's ambition to chair the OSCE but insists on demonstrable progress on human rights.

The question was actually supposed to be settled at last year's OSCE ministerial. However, the participating States could not reach agreement about supporting Kazakhstan's bid.

It's no secret that the American administration, citing the record of flawed elections, continuing human rights problems and the concentration of power in the executive branch, was among those OSCE capitals that did not back Astana's candidacy.

For that reason, the matter was essentially postponed last year in the hope that circumstances would change in the interim so as to make the decision in favor of Kazakhstan easier to make this year.

The picture in the past year is a decidedly mixed one. President Nazarbayev received parliamentary sanction to remain in office for life, if he so chooses.

Parliamentary elections in August, according to some accounts, did not meet OSCE standards and produced a one-party legislature.

So while no official statement has been issued by the administration, and none may be forthcoming before November, the indications are that the United States remains reluctant to endorse Kazakhstan.

Apparently, even some countries that formally supported Astana's candidacy are rethinking their position. That's where we stand today, with the November ministerial right around the corner.

Some of you may have noted the absence from our panel of distinguished witnesses of any representatives of the U.S. Government. Let me assure you that it is not an oversight.

I and other members of the Commission and other members who are not members of the Commission have been in discussions with high-level State Department officials about this matter for some time and felt that considering the delicate diplomacy involved, it would not be entirely helpful to ask the department to air its views in public here today.

But that does not mean we cannot examine this complex issue with other non-U.S. Government experts.

Hearing from proponents and opponents of Kazakhstan's candidacy will help all of us reach a conclusion on that country's suitability to head the OSCE and the ramifications for the United

States of a “yes” or “no” vote. To that end, we’ve very carefully selected our witnesses.

And before identifying them and asking them to go forward, I’d like to recognize my good friend, the ranking member from New Jersey, Chris Smith, for any opening comments he may make.

**HON. CHRISTOPHER H. SMITH, RANKING MEMBER,
COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. SMITH. Mr. Chairman, thank you very much, and I want to thank you for convening this very important hearing. I believe and have believed since 2003 that the Kazakhstan’s candidacy to chair the OSCE deserves the closest attention from policymakers.

And as far as I know, this hearing is the first open discussion of this issue. It comes at just the right moment, given the impending OSCE ministerial in Madrid. So again, I want to thank you for convening this very timely and very important hearing.

Let me say at the outset that I would, in principle, be happy to welcome Kazakhstan’s candidacy.

It would, indeed, be healthy for the OSCE if Kazakhstan or any of the former Soviet republics were ready to chair the organization. It would signal important growth and maturity for the country in question as well as for the OSCE.

But I fundamentally disagree with the official Kazakh perspective that chairing the OSCE is a right and not a privilege.

On the contrary, the OSCE Chair-in-Office, for reasons symbolic and substantive, is too important to be merely a rotating position which any participating state can hold.

I believe that the OSCE chairman must represent a nation that is in compliance with OSCE commitments. We cannot be content to have as the chair simply the most democratic of the OSCE’s most repressive states.

Since 2003, the U.S. Government has been conveying memoranda to the Kazakh authorities detailing what reforms they must implement to gain Washington’s backing.

I have referred to these documents myself in conversations with Kazakh legislators in meetings at the OSCE Parliamentary Assembly as well as with Kazakh officials visiting Washington, D.C.

Unfortunately, Kazakhstan has not yet made the necessary reforms. The country’s constitution calls for a balance of power, but President Nazarbayev rules his country autocratically.

The legislature and the courts provide no genuine checks and balances. Electronic media, though formally privatized, remain under strict state control.

There are still some opposition parties that have not been registered, and Kazakh authorities carefully limit the freedom of assembly.

Though many religions coexist in Kazakhstan, I’m deeply disturbed that Kazakh law insists on registering communities of faith. And I’m deeply concerned about the recent raid on Grace Presbyterian Church in Karaganda and problems faced by the Hare Krishna.

Mr. Chairman, all of this was the situation even before the events of this year, when parliament gave Mr. Nazarbayev the right to be president for life, a very disturbing trend in many parts of the world, before yet another election that the OSCE could not certify as free and fair, and before the emergence of a one-party parliament that surely would do President Nazarbayev's bidding in all matters.

Even before this year, I was unable in good conscience to support Kazakhstan's candidacy for '09. After the events of '07, I certainly cannot. It is my understanding that U.S. diplomats have been urging the Kazakhs to think about 2011 instead.

Putting off a Kazakh chairmanship 2 more years does not make it automatic. I will not be able to support a Kazakh bid any year until the country makes the substantive reforms. And that's what we're calling for.

But if and when they make these reforms, Mr. Chairman, I'm sure both you and I will be the first to applaud and congratulate and encourage the Kazakhstan Government on its success and welcome its holding of this important position.

Again, I want to thank you, Mr. Chairman, for this hearing. It's timely and hopefully sends a clear, non-ambiguous message about our concerns on this OSCE commission.

Mr. HASTINGS. Thank you very much, Commissioner Smith.

I turn now to the witnesses, and our first witness will be the Ambassador from the country of Kazakhstan, Erlan Idrissov.

Ambassador Idrissov comes to this post after a long and distinguished career, most recently as his country's Ambassador to the United Kingdom, and previously he served as Kazakhstan's foreign minister.

It's hard for me to imagine anyone who could better make the case for his country's candidacy than the Ambassador, and I'm deeply indebted to him for agreeing to come.

We also have with us a former U.S. Government official, Mr. David Merkel, who is a former Deputy Assistant Secretary of Commerce, and was also a staff person on Capitol Hill, so there's some opportunity for you young staffers yet.

So he is intimately acquainted with the mechanics and drama of a congressional hearing, and most recently was the director for Central Asia at the National Security Council, where he was directly involved in deliberations about the issue under discussion.

Additionally, we have with us some persons from the NGO community. On September 21st a coalition of U.S.-based organizations issued a public statement urging Washington not to support Kazakhstan for OSCE chair.

We asked those participating organizations to select someone to represent them, and they chose Dr. Robert Herman, who is here with us today. He is the Director of Programs at Freedom House.

And additionally, we have with us Mr. Yevgeniy Zhovtis, the Director of the Kazakhstan International Bureau for Human Rights and Rule of Law. Mr. Zhovtis has been one of the leading human rights activists in Kazakhstan for many years.

And we are fortunate that he happens to be in Washington this week and that he could participate in this hearing.

There were many other witnesses we considered inviting, but we decided to keep the number small to allow more time for questions. Possibly we may return to this issue in another hearing at which other points of view could be expressed.

Now, without objection, all of your statements and testimony will be entered into the record, and I'd ask you, as much as possible, to summarize your remarks and keep them as brief as possible so that we can put our questions and give you time to be able to answer them.

I'd like to begin, if we may, with Ambassador Idrissov.

Ambassador, you have the floor.

H.E. ERLAN A. IDRISOV, AMBASSADOR OF THE REPUBLIC OF KAZAKHSTAN TO THE UNITED STATES

Amb. IDRISOV. Thank you, Mr. Chairman. Let me indulge that—express our full appreciation to you, to Co-Chairman Senator Cardin, to the Commissioners, to the members of the Helsinki Commission, for convening this hearing today.

Let me take this opportunity also to greet and welcome, first of all, my countrymen. I can recognize Mr. Zhovtis here. I can recognize Madam Fokina here.

And of course, my appreciation to Dr. Merkel and Dr. Herman for being with us today to testimony on this important issue.

I have provided a detailed written testimony for your attention and consideration, and I believe that I have explained in detail our vision for ongoing political and economic growth in Kazakhstan and also our vision for our goals to chair the OSCE.

Therefore, I wouldn't dwell on that. I hope that everyone had the opportunity to familiarize with these points I raised in the testimony, and I will be absolutely happy to address them at the Q&A session.

Let me focus on a number of points which already have been touched upon. I, of course, thank you, Mr. Chairman, for your thoughtful remarks at the opening of this session, and I would like to thank Commissioner Smith for his comments and ideas.

I would like to focus briefly on a number of common misconceptions which exist in the West about my country. We are frequently described as a dictatorship led by an autocratic ruler, and we very often are being criticized for being slow to promote democratic reforms in Kazakhstan.

In fact, Kazakhstan is a country which is only 15 years old and which, in that short period of time, has achieved remarkable progress in transforming itself from a former Soviet republic into a new and increasingly successful Western-style democracy.

We sometimes do not understand what slow means. If you take the U.K.'s example—I served there for 5 years as Ambassador, and I know it took them more than 700 years to arrive at the status of their society as they are today, with often violent interludes.

In Kazakhstan, we have achieved a remarkable degree, extraordinary degree, of political freedom in just 15 years, without any violence at all.

The reality which Western observers often forget is that democracy is not only about laws and institutions, it is fundamentally about custom, habit, and culture, supported by property rights,

backed by the rule of law, without which there can be no democracy at all.

One cannot expect to create a parliament in 1 day and expect a democratic debate to occur in it the next day.

Opposition and free media are responsible, as they are, in the society—cannot be established by—at the stroke of a pen.

Establishing and nurturing an independent judiciary is an even greater challenge, as is tackling corruption at all levels.

A common misconception in the West is that in Kazakhstan we are forcefully dragged down the path to democracy against our own will. This is not true.

We have chosen to become a democracy because we believe it is the best way to run our society, ensure the prosperity of our people and guarantee the long-term security and prosperity of our state.

We have our own plans for political and economic growth. We have an almost impeccable record of economic growth.

The new plans for political reform have been meticulously developed and debated widely in our society and envisage an enhanced role of the parliament; nurturing of political parties and civil society institutions; building genuinely free media; efficient, fair and transparent judiciary system; and institutions supporting the rule of law.

We want to develop and enhance the tradition and culture of good and efficient local governance. These are the plans.

The culmination of that came in May 19 of this year, in 2007, when we have announced major constitutional reforms. I have provided full details for the constitutional reforms in our papers, and there are additional papers for the distribution outside this room.

But I will say that the gist of the constitutional amendments is the gradual ceding of powers by the president to the legislature and a thoughtful move toward a parliamentary majority system.

This is what we announced, and this is what we'll do and absolutely confident that we will succeed in doing this, as we have been successful in promoting and implementing economic reforms.

As far as the OSCE bid is concerned, we made very clear that we believe that we can bring value and we can bring new substance to the organization. We value our cooperation with the OSCE because we believe it is one of the strong proponents and facilitators of our ongoing political growth.

We have a clear-cut vision for our chairmanship in the OSCE if we have the privilege to be elected as the Chairman of OSCE. We will focus on all three dimensions of the organization, because we believe they are interdependent.

And we will work hard with our partners to promote further the values, the integrity and the standards of the OSCE throughout a bigger region which is going beyond the traditional territory of OSCE.

In fact, everyone recognizes that the focus of attention is more toward our part of the world, and Central Asia is becoming a matter of importance in terms of coming years.

Therefore, we believe that the United States, which is a strong proponent and promoter of democracy throughout the world, and freedom, should understand the gist of our bid, and we believe that

it is only in the interest of the United States to be a champion in supporting Kazakhstan's bid to chair the organization.

We are confident that we'll do our job in full compliance and with full understanding of the values of the organization.

Mr. Chairman, let me conclude my brief remarks by telling you an old saying among Kazakhs. There is a Kazakh saying which says that a road of 10,000 steps is being traveled by making the first step.

So we believe that a road to democracy is also a long road, an important road. The United States is making its 9,757th step on this road, and Kazakhstan is making its 16th step.

But please be assured that we are on the same road. What we are trying to do is what your forefathers were trying to do more than 200 years ago.

Actually, we, sitting in front of you, are a replica of your forefathers as they were trying to bring new values to the new society more than 200 years ago.

But there is no traffic police on this road. Therefore, one should be self-disciplined, and wise and thoughtful in moving ahead along this path.

We should definitely apply by ourselves and with the support of and vision of our partners wise and thoughtful speed limits, not to over-haste and bring damage to the delicate fabric of promoting new values in our society.

We believe that we have remained faithful and loyal along this path, along these 15 years of our independence. We have shown our support to the values we share with the United States.

On any imaginable tracks, whether it is global security, non-proliferation, a war on terrorism, economic reforms or democratization, we believe that we have every right to count on the reciprocity on the part of the United States.

I thank you very much.

Mr. HASTINGS. Thank you very much, Ambassador, for your comments and for summarizing them.

And for purposes of the audience participants, I believe the Ambassador's full statement is available for your perusal as you see fit.

I'd like to go now to Mr. David Merkel.

I've already indicated some portions of your curriculum vitae, but you have the floor.

**DAVID MERKEL, FORMER DIRECTOR FOR CENTRAL ASIA,
NATIONAL SECURITY COUNCIL**

Mr. MERKEL. Thank you very much.

Thank you, Chairman Hastings, Congressman Smith. I appreciate the opportunity to meet with you today.

As you said, having worked on Capitol Hill, the Senate Foreign Relations and the House Policy Committee, I appreciate the importance of the Commission, and I think it's really important that you're taking on this issue today.

I'd like to start my testimony with the indisputable fact that Kazakhstan has not held an election that the OSCE has found to meet international standards.

Despite this, I believe that it is in the interest of Kazakhstan, Central Asia, the United States, and the OSCE for them to be named as Chairman-in-Office in Madrid.

After the breakup of the Soviet Union, I would talk to friends of mine in Central Asia and express to them the interest and importance the United States places on the region.

They would politely listen, often over tea, and then would inform me that the United States is fickle and far away and that our interest would wane. And until September 11th, they were largely correct.

But on that day, we learned that instability anywhere has a direct national security impact on the United States. This is not to say that there were not those who paid attention, including myself and members of this Commission's staff, to Central Asia.

Energy, security, liberty form the crux of our interest in Central Asia and Kazakhstan today.

How can we best pursue our interests given that some of the neighbors who are very actively engaged—Russia, China, Iran—do not see democracy promotion as anything more than a destabilizing effort and have no interest in seeing Central Asian energy reach global markets other than through a reliance on them for its transportation?

When I was at the National Security Council, the President spelled out our interests in his national security strategy of 2006. It said Central Asia is an enduring priority for our foreign policy. The five countries of Central Asia are distinct from one another, and our relations with each, while important, will differ.

In the region as a whole, the elements of our larger strategy meet, and we must pursue these elements simultaneously: Promoting effective democracies and the expansion of free market reform, diversifying global sources of energy, and enhancing security and winning the war on terrorism.

While the Organization for Security and Cooperation in Europe's ODIHR office report on the last parliamentary election concluded that it did not meet international standards, it did indicate that improvements were made over previous elections, including citing important improvements with the central election commission.

I've observed many elections in Eurasia, including with ODIHR, and I find that they provide a valuable service to member countries. While I would not quibble with the conclusions reached by the OSCE, I do think it important to make a couple of points to you today.

Kazakhstan is a country still in transition. If the Chairman-in-Office post needs to go to a country with an established tradition as a functioning democracy, this has never previously been spelled out and will have the undesired effect of creating two classes of OSCE members.

Kazakhstan is a country that respects diversity, both religious and ethnic, and where the youth, by and large, are excited about their future in Kazakhstan. This stands in contrast to many of the countries in Central Asia.

Also, despite the fact that the last Presidential and parliamentary elections were not judged by the OSCE to meet international standards, it is without question that the election results re-

flect the will of the people and that President Nazarbayev and Prime Minister Masimov have a clear and unequivocal mandate as their country's legitimate leaders.

One of the difficulties in Central Asia, in my view, is the lack of appropriate regional architecture. For European nations who found themselves on the wrong side of the Iron Curtain or those in the Baltics, there was the aspiration of NATO and European Union membership to attract them to a future of shared values and common security.

In Central Asia, there are several multilateral organizations, but none that possess the same incentives for domestic reform and external reconciliation.

In fact, for the most part, the organizations that today are viewed as more relevant in Central Asia, such as the Commonwealth of Independent States and the Shanghai Cooperation Organization, lack the same common values, do not include European or U.S. membership, and are dominated by Moscow or Beijing.

This is why organizations such as the OSCE and the European Union need to be seen as more relevant in Central Asia. But if Kazakhstan, which is viewed by most as the country within Central Asia with the greatest international weight, is not acceptable to the OSCE, then the countries of the region may believe what they are told by Moscow, that they will never be accepted by Europe or the United States as anything more than the "stans."

Unfortunately, the vast majority of Central Asians do not see the OSCE—or Europe, for that matter—as very relevant to them. Most OSCE members do not have embassies in Central Asia. Only Germany of the E.U. has embassies in all five Central Asian capitals.

And OSCE only comes up when a diplomat wanting to distance his country a little bit cites an OSCE report when criticizing the country's democratic transition.

The government, elite, and population are often unaware of what benefits membership provides them and their country's future. This has to change.

In my discussions, many in Vienna and Washington believe that the OSCE's future is the South Caucasus and Central Asia. They see the need and opportunity for expanding stability and personal liberties to the millions of predominantly moderate Muslims in Central Asia.

I do not believe that you can hold this view and be against Kazakhstan's candidacy. If the OSCE were to reject Kazakhstan in Madrid, it would be sending a message that Europe and European values are not Central Asia's future in a time when we need to be providing an example of what their future could be, provided they have additional options rather than a reliance on Moscow and Beijing.

Only the United States, the United Kingdom, and the Czech Republic oppose Kazakhstan's bid. One argument put forward on why Kazakhstan should not be Chairman-in-Office is that they would be beholden to the Kremlin for the office and would therefore support Moscow's efforts to weaken the organization.

This could be plausible if Moscow were one of Astana's only supporters but that does not hold up given the breadth of Kazakhstan's support.

Another stated argument is that because Kazakhstan does not itself have a fully developed democratic tradition, it will not be able or willing to be critical of other countries.

But this has always been the case. Countries have differed in how active they have been in their comments, which is why the independence of the OSCE's ODIHR, which conducts the election observations, is so important.

And another argument at times expressed about why Kazakhstan should not be Chairman has to do with the questions of the professionalism or depth of their foreign ministry. Can they do the job?

Kazakhstan—without question, their foreign ministry can do the job. We've had examples such as the case in Norway where they relied on their foreign ministry to provide functions of the OSCE, and Bulgaria, where they relied more on the OSCE's secretariat to carry out their agenda.

And the troika, consisting of the previous, current, and future Chairman-in-Office, also ensures that this will not be an issue.

This decision will be reached by consensus of the members this November in Madrid. If the United States blocks Kazakhstan's bid, I am sure that one of the 53 countries will block whomever we would suggest as chairman for 2009.

In my view, Kazakhstan will be successful in reaching their goal, and I would like them to see that they've done so with our support and not in spite of our opposition.

The Ambassador's already mentioned the accomplishments that President Nazarbayev and his government have made over the last 15 years, so I will not repeat those.

But finally, I'd like to point out that many opposition figures in Kazakhstan—in fact, to my knowledge, I think a majority, but I don't think that can be judged—support the government's OSCE goals.

They do so for two main reasons. First, national pride. They would like to see their country on a larger stage taking a greater international role.

And second, they believe that being Chairman-in-Office will place a greater spotlight on Kazakhstan and will help them in addressing issues they believe are important to them and Kazakhstan's democratic future.

I appreciate the opportunity to speak with you today. I appreciate your attention and look forward to your questions.

Mr. HASTINGS. Thank you very much, Mr. Merkel.

We turn now to Dr. Robert Herman.

Dr. Herman, you have the floor.

**ROBERT HERMAN, DIRECTOR OF PROGRAMS, FREEDOM
HOUSE**

Dr. HERMAN. Thank you very much, Mr. Chairman and Representative Smith. I'm very grateful for the opportunity to testify today before this Commission on behalf of Freedom House on the important and timely issue of Kazakhstan's bid to become Chairman-in-Office of the OSCE in 2009.

The outcome of Kazakhstan's bid will have significant consequences for OSCE and for the future of democracy and human rights across Europe and Eurasia and beyond.

The oldest human rights organization in the United States, Freedom House is an independent, nonprofit organization committed to the expansion of freedom worldwide.

For three and one-half decades, we have chronicled the state of political rights and civil liberties in every country in the world, including in Kazakhstan since it became an independent state.

We have also worked closely with some of Kazakhstan's leading human rights groups such as the Kazakhstan International Bureau for Human Rights and the Rule of Law, represented here today.

Based on our extensive analysis and our on-the-ground experience, Freedom House believes strongly that the OSCE participating States should not make Kazakhstan Chairman-in-Office.

That prominent position should be reserved for governments with exemplary records on democratic reform and on safeguarding human rights, governments demonstrably committed to the core principles and values of the OSCE.

We at Freedom House look forward to the day when Kazakhstan becomes a fully democratic country and can assume the OSCE mantle of leadership. But that day has not yet come.

A country that falls so far short of OSCE's own standards should not be accorded the privilege of becoming Chairman-in-Office, especially at a time when the organization's essential role in supporting democratic reform and human rights is under attack from within.

There is no question that Kazakhstan is a country of consequence by virtue of its substantial oil and gas production and its location in an important geostrategic region.

We recognize that Kazakhstan has instituted some minor political reforms and that the twin processes of state-building and democratic change are formidable undertakings.

We are also mindful that the United States has multiple interests with respect to Kazakhstan, the advancement of democratic governance among them.

But despite some tentative steps at political reform, Kazakhstan's overall dismal performance across the full range of democracy and human rights norms should preclude it from becoming OSCE chair.

The regime of President Nazarbayev systematically violates fundamental human rights and has configured the political system to prevent any serious political competition. There is no check on executive power. Both the parliament and the judiciary are subservient to central authority.

Media freedom is severely curtailed, effectively denying citizens access to independent sources of information. Civil society, most notably human rights advocacy groups, faces formidable constraints on legitimate political activity.

And low levels of government transparency and accountability have enabled corruption to flourish to the disproportionate benefit of the ruling elite.

Kazakhstan has yet to hold a national election that meets international standards, with both widespread election day irregularities and a sharply tilted playing field.

In Freedom House's three-tiered rating system, countries are categorized as free, partly free, and not free. Kazakhstan is firmly mired in the bottom tier and has been since 1995 when a new constitution gave unchecked powers to the President.

Every single country that has served as OSCE Chairman-in-Office has been rated free by Freedom House.

That the OSCE might be chaired by a country with such a poor record in democratic governance and human rights would be a sad irony, particularly in the view of the fact that Kazakhstan has joined with other CIS countries in sharply criticizing OSCE's work in the key fields of election monitoring and promoting political and civil rights.

The OSCE, which traces its proud history to the Helsinki Final Act, was pivotal in focusing international attention on the terrible state of human rights in the Eastern Bloc. And in giving rise to Helsinki watch groups, it contributed in a major way to bringing the cold war to a peaceful conclusion.

More recently, the OSCE has been instrumental in supporting free and fair elections and pressing participating countries to uphold their commitments to respect human rights.

In addition to giving hope to freedom's advocates in Europe and Eurasia, OSCE also serves as a model for other regional organizations that have as part of their mandate the strengthening of democratic norms and human rights.

The elevation to the Chair-in-Office post of a country so patently undeserving of that honor would severely undermine the credibility of this respected organization and send a dispiriting message to the courageous men and women struggling to advance the cause of human freedom in Kazakhstan and in other OSCE states. Such an outcome would also threaten OSCE's proven effectiveness.

We cannot expect a government that routinely flouts the OSCE's own standards, whether on conducting free and fair elections or upholding human rights, to determinedly press participating States to live up to their human dimension commitments.

The work of the OSCE in supporting human rights and democratic freedoms is too important to be placed in jeopardy by a Chair-in-Office that lacks a commitment to the organization's core values and which has criticized various of its efforts to bolster democratic governance.

Mr. Chairman, let me conclude by reiterating that Freedom House looks forward to the day when Kazakhstan achieves a level of democratic progress and respect for human rights commensurate with its aspirations to chair the OSCE and to be a significant actor on the international stage.

That time has not yet come, but the prospect of serving as Chairman-in-Office at some point in the future, combined with other positive inducements, will hopefully inspire the government and empower pro-democracy advocates in Kazakhstan to work collaboratively to implement far-reaching political reforms.

However, at the present moment, for all the reasons elaborated here, Freedom House urges the governments of the United States and our European allies to oppose Kazakhstan's bid to become Chairman-in-Office for OSCE in 2009.

Thank you, and I'll look forward to your questions.

Mr. HASTINGS. All right.
Mr. Zhovtis, you have the floor.

**YEVGENIY ZHOVTIS, DIRECTOR, KAZAKHSTAN
INTERNATIONAL BUREAU FOR HUMAN RIGHTS**

Mr. ZHOVTIS. Mr. Chairman, distinguished Members of the U.S. Congress and the Commission on Security and Cooperation in Europe.

Thank you for the opportunity to speak at these hearings. Eight years ago I already had a chance to speak here on the problems of democratic process, rule of law, human rights observance in Kazakhstan, problems which unfortunately are still in place.

Very soon the U.S. Government will have to make a decision on its position regarding Kazakhstan's 2009 OSCE chairmanship.

The United States, the United Kingdom, and some other OSCE countries held a relatively clear position on this issue—that Kazakhstan authorities must first demonstrate their commitment to OSCE principles and values in human dimension and to this end undertake a number of specific, practical steps in democracy development, rule of law, and respect for human rights.

A number of other OSCE states—for economic and geopolitical reasons—have advanced the notion that Kazakhstan “does not deserve but should get it”.

Throughout this debate, I had supported Kazakhstan's 2009 OSCE chairmanship despite the fact that I am a human rights defender, am committed to democratic convictions, and believe that the Government of Kazakhstan has a long way to go before it has fulfilled its human dimension obligations.

Like some public activists, politicians, and diplomats, I believed that the chairmanship will bring Kazakhstan closer to the European and U.S. political arena.

I hoped that the chairmanship would strengthen the call of our country's democratic forces to European and U.S. politics and public opinion, since it is one thing when an OSCE participating State fails to fulfill its human dimension obligations, but it is another matter when the OSCE chair does so.

I thought that it would be significantly more difficult for Western politicians to use the grossly inappropriate comparison between Kazakhstan on the one hand and Uzbekistan and Turkmenistan on the other, and to draw from this comparison positive conclusions about the situation for civil and political rights in Kazakhstan.

I hoped that the OSCE chairmanship would strengthen the position of the progressive, liberal part of Kazakhstan's elite, and would advance the government's political and legal culture.

I also believed that denying Kazakhstan the chairmanship would worsen the situation in the country, and would strengthen the position of ideologues of the Shanghai Cooperation Organization, the documents of which make no mention of democracy, rule of law, and respect for human rights; would strengthen the influence of China and especially Russia, that profess their own path to democracy, but which resemble a modernized version of Soviet authoritarianism.

Nonetheless, my support for Kazakhstan's chairmanship was not unconditional. I have always called on Kazakhstan's authorities to

demonstrate in 2006–2007 political will to follow the letter and spirit of the OSCE’s founding Helsinki Agreements and to take concrete steps, including:

- register opposition political parties, including Alga Peoples’s Party and Atameken;
- release the most recent political prisoner A. Zhumabayev;
- end politically motivated criminal cases against opposition leaders and activists and reexamine the verdicts against them;
- provide opposition political parties and movements unhindered access to nationwide mass media, which they have essentially denied for the past 10 years;
- enter into a civilized and constructive dialogue with opposition forces;
- end persecution against the Krishna Consciousness Society and resolve the conflict with this religious community in a fair way;
- bring into conformity with international standards legislation on elections, freedom of expression and media, and peaceful assembly and associations.

This was a moderate list of steps that would have unambiguously shown that Kazakhstan’s leadership was committed to fulfilling its OSCE obligations, its readiness to advance democracy, rule of law, and human rights within the framework of the OSCE’s principles.

Had there been at least some confirmation that Kazakhstan’s Government had chosen to advance democratic development in 2008, then although the country does not fully conform to OSCE principles, there would have been grounds to believe that it was nonetheless moving in that direction and its chairmanship in 2009 was a reasonable compromise, considering economic, security and geopolitical factors.

However, for the past year and a half, Kazakhstan’s authorities have not yet met a single one of these criteria.

Moreover, this summer’s amendments to the Constitution moved the country even further from the principles of constitutional democracy. Consequently, the August parliamentary in Kazakhstan failed, in the view of the OSCE mission, to meet OSCE standards—as had all prior elections—and resulted in a single-party parliament.

Under these circumstances supporting OSCE Kazakhstan’s chairmanship in 2009 would transform this organization into European version of the Shanghai Cooperation Organization, would completely rob human dimension principles of any value, and would serve as a poor example to other CIS states with authoritarian regimes.

The “does not deserve but should get it” notion should be rejected and replaced with “not reject but postpone”. Kazakhstan can count on the chairmanship in 2010, 2011, 2012; however, only if it demonstrates its commitment to OSCE human dimension principles and values not only through words but through concrete, practical steps in democratic development, rule of law, and human rights protection, including those steps outlined above.

The same call was expressed in the Statement of Democratic Forces of Kazakhstan issued on 11th of October, 2007 and signed

by more than 40 leading democratic politicians and public figures in Kazakhstan.

Thank you for your attention.

Mr. HASTINGS. Thank you all very much.

I'd like for you each as panelists to give some thought to a dialogue after Representative Smith and I make some inquiry of you.

And if you are of a mind to ask each other questions—I continue to look for a formula in the Commission that will allow for a different kind of debate and dialogue, and so at least give some thought to that.

And I especially am appreciative of the Ambassador for agreeing to be on the same panel. Normally we start with one panelist and then someone else, but he agreed, and I appreciate that very much, his willingness to dialogue with all of us.

Toward that end, in light of the fact that he has commitments, I'm going to defer any questions I have and turn now to my friend, Commissioner Smith, for any questions he may have.

Mr. SMITH. Mr. Chairman, thank you very much for that courtesy. And again, this is a very timely hearing.

Let me just ask a couple of questions. And I appreciate all of your testimonies, and I've read them, and I think they're very well formulated, and you've presented your views in the most persuasive way I think you could.

But you know, when I read—Ambassador Idrissov, you know, you did say that you would respect—or your country as the Chair-in-Office would respect all three baskets.

And I'm not much of a gambler, especially when it comes to human rights and when it comes to democracy issues. You know, we've seen this before.

When a country seeks a position, very often it claims that it will make amends after the fact rather than before. And we're not talking about amends. We're talking about substantive and systemic reform.

Most recently with the U.N. Human Rights Council, a number of the countries that were now part of that Human Rights Council which was configured to replace the egregiously flawed Human Rights Commission, we have really gone out of the frying pan into the fire.

There's very little difference. It's been a seamless transition of rogue states sitting in judgment and running interference and ensuring that the spotlight, as you, Mr. Merkel, pointed out, is not brought to bear upon their records.

The PRC, China, jumps off the page as a country that runs interference, as do some of these other countries.

And frankly, I have a very deep concern, with all due respect to Kazakhstan—very deep concern—given the signing of that letter in—or that joint statement in July '04, where double standards were alleged, where the CIS—where the OSCE missions in CIS countries were criticized, that the ability to thwart, to dilute, and even run interference on fundamental human rights scrutiny would be a possible result, just like we saw with the Human Rights Council.

Remember how that was vaunted as being, you know, this great follow on? That hasn't happened. It is a bitter disappointment, especially to the victims.

So the question about the—you know, Mr. Merkel, if you could speak to that. I understand how the opposition folks in the country would say we want that, too.

Really, they almost have to say that, even if there is a private thought that now is not the time. They have to say it just for their own viability.

But the idea that things could even get worse as the OSCE loses its edge and becomes a blunt instrument rather than, you know, something that is much more refined concerns me.

And so that would be the first. You know, we run that risk, like the Human Rights Council, that the spotlight becomes much dimmer.

Second, and if I could specifically to you—and I appreciate the Chairman's yielding to me—the Jehovah's Witnesses—and this would be to you, Mr. Ambassador—will the Government of Kazakhstan investigate why the Atyrau region justice department has not granted registration to Jehovah's Witnesses, despite four applications to register since '01 and four official religious expert studies of the literature of Jehovah's Witnesses?

Second, on the Grace Presbyterian Church, which I mentioned in my opening comments—that raid—if you might want to speak to that issue.

And third, on the Hare Krishna, we understand that some 26 homes have been destroyed, 116 acres of the community's land confiscated, and the OSCE Advisory Council on Freedom of Religion or Belief released a statement a year ago that these actions suggest that the Hare Krishnas were targeted on the basis of their religious affiliation and raises serious issues regarding the enjoyment of the freedom of religion and belief in your country.

Three different denominations—sects, if you will—all having problems in what would clearly be seen from our point of view as being contrary to OSCE basic principles.

So if on those questions we could get some answers.

Mr. HASTINGS. Please, Ambassador?

Amb. IDRISOV. Thank you very much, Mr. Chairman.

First of all, I'd like to thank all the witnesses for their statements and points of views expressed, and I thank you for the invitation to have a dialogue.

This was my—actually, when I received an invitation to sit separately as a witness, I was surprised, because it was always my intention and it was always our desire to keep a dialogue.

This is our culture which we are building in our country, and I appreciate very much the views expressed here. Our life is life and views will not always be the same. Everyone has the right to express his view, and we believe that we have every right to express our view, and we will also hope that others will respect our view.

So I heard a number of criticism before. Representative Smith, I will answer your question. I'd like to say that I will be absolutely happy to go into detail if time permits to answer each and every point of criticism.

And I simply cannot and will never take the views expressed here by our distinguished friends—for example, as the unreformed nature of our judiciary, subservient nature of our legislature, et cetera, et cetera.

These are very strong remarks, and I want to strongly oppose these remarks and place this on the record.

We are building a new society. We are building new institutions. We are not saying that we are ideal. We are on the growth. Therefore, we are going through our teething problems, and we believe that this should deserve full understanding and appreciation on the part of our friends and partners.

I can address all the issues and give full details of my point of view on, for example, media access, constitutional reforms, the so-called issue of the lifetime presidency, Hare Krishna, registration of political parties.

I believe that the information which has been provided here is wrong, and I am prepared to give full answers why it is wrong.

Answering your question, Representative Smith, with regard to Jehovah, Presbyterian, and Hare Krishna, I unfortunately am not aware of the Jehovah's Witnesses situation, but as in any country, there is an issue here.

First of all, one should not question the integrity and legitimacy of our court rulings. Court and judiciary is a sacred cow which we try to build in our society. I am not saying that our courts are ideal. I am not saying that our judges are ideal. They are not.

But we are trying to achieve—to go to that ideal. In doing so, it will be a mistake to put to question the integrity of any court ruling in Kazakhstan. There is a procedure, as in any country—there is a procedure for simple registration by any religious organization.

If there is some disorder with this procedure, a respective organization will ask to perfect this order.

With regard to particularly the Hare Krishna situation, I had the opportunity to explain in full detail to Chairman Hastings and other members here that it is basically a property issue.

We are a society which builds a culture of respecting the property rights. Therefore, we believe that the whole issue is about property rights. We have set up an independent commission which comprises representative of other religious, Muslim, Christian, Buddhist.

We have included members of the parliament into that commission. And we have included the members of the Krishna community itself. Mr. Govinda from Kazakhstan's Krishna community, the chair of that group, is within that commission.

And we have included NGOs like Helsinki Commission of Kazakhstan, Helsinki Committee of Kazakhstan, in that independent commission—for them to review the ruling of the court, of different courts at different levels.

And they have reviewed the ruling of these courts, and they have agreed that this is a property violation situation. As simple as that.

In Kazakhstan we have more than seven Krishna communities in different parts of the country, and none of them are facing any problems because none of them are having property disputes.

Only the community in Almaty had the property dispute, and it is about a violation of property rights of other people. And the com-

mission came up with a very simple decision, please do rectify things which are done wrongly in making the property rights through the necessary paperwork.

And the ruling is the decision by the commission—please do choose what we have to offer to you, and there is a process of a selection. There is a discussion between the Krishna community and the authorities to find an amicable solution to this situation.

It is not about targeting a particular religious group in Kazakhstan. Kazakhstan has almost an impeccable record on promoting religious freedoms in Kazakhstan.

We are the promoters of interfaith dialogue in our part of the world, and we have already convened two global congresses on this issue.

Therefore, I strongly oppose the notion that it is the targeting of one particular religious group. It is about property rights. It is about a violation of property rights of one group of people by another group of people.

And the independent commission came with a solution offering to find an amicable decision through dialogue and discussion.

This would be my responses to the critical comments and answers—questions which have been asked here. And I once again stress the point that please do not try—I am not saying that we are ideal.

My point is that we are a young emerging society. Therefore, we try to put the ambitious goals in front of us, before us, and we are absolutely sure that we will achieve them.

We believe that there should be a recognition of the importance of these goals and ambitions. It is like bringing up a child. You see, if you always say to a child that he is wrong and bad, that child will have very few opportunities to grow as a full-fledged, responsible citizen.

Therefore, every effort should be done to support and care those positive things which are emerging on the ground. We are a young society, but we are confident that we'll develop into a fully fledged democratic liberal society.

And as I said, one should not overestimate the importance of a time factor. One should not overestimate the importance of the emerging culture. It is about the generation changes. It is about the mentality changes.

And these things do not happen overnight. They cannot be achieved at once. I thank you very much.

Mr. HASTINGS. Follow-up?

Mr. SMITH. Just would any other panelists like to speak to this, especially on the Krishna and the—and you didn't really speak to the issue, with all due respect, Mr. Ambassador, to the Jehovah's Witnesses, so perhaps you could get to that.

But frankly, we want to treat Kazakhstan not as a child, but as an adult. And you know, adults don't let adults commit human rights abuses. Friends don't let friends commit human rights abuses.

That's what this is all about. It's not about being critical. It's about trying to speak truth to the power of your government so that corrective action for victims and disenfranchised people will occur.

That's what this is all about. Mr. Hastings and I want nothing better—and other members of this Commission—to applaud Kazakhstan. That's what this is all about.

But when we get credible reports of ongoing mischief, if you will—you know, you said almost impeccable. It's not about almost or anything. It's about the victims. That's what we care about, the victims—rule of law, accountability, transparency.

Would any of the others want to speak to that?

Mr. HASTINGS. Mr. Zhovtis?

Mr. ZHOVTIS. Thank you a lot, because we have a dialogue. I want to respond to some key issues.

No. 1, I agree with the Ambassador that we are a young democracy, but who are the young democracy? We should move from the younger to more adult. We should move forward.

If you look at the Kazakhstan 1993, you will find out there are a lot of opposition political parties registered. You could find independent TV and radio, which we do not have now.

You could find some kind of [inaudible] functions of parliament over the executive branch of power. You could find some roots of democracy in the early '90s which we now didn't have in place.

And this is the problem. The problem is that the constitution and the laws are not becoming better, are not becoming more democratic.

They're becoming more authoritarian, more control function given to the executive branch of power, more involvement of special services for prosecutors' offices, and so on, and so on, and so on.

That the question of [inaudible] of development and the development of [inaudible] is not the question of—is not the problem of questioning the young democracy as such.

What is concerns the Krishna community [inaudible] I was also the member of this commission, which was established under the committee on religious affairs of ministry of justice.

I want to remind that it's not the question of integrity of the justice. It's a question of the OSCE standard for free and fair trials. And free and fair trials should be forward.

That should be open, transparent procedure where everybody could provide its evidence and so on. It couldn't be that the hearings were held without the defendants at all, as it happens in the supreme court of Kazakhstan.

What about the commission? Unfortunately, the commission was established exactly several days before the religious forum, and it seems it was some kind of window dressing, because we never reviewed anything.

There was only two technical meetings, and that's all, and after that we have the decision of the commission where we are the members. I haven't even seen any hearings, any discussion on the issues. It was only technical procedural things.

Property rights—yes, of course, the property should be protected, and so on, and so on. But when you see the selective approach, when you see that the owners should mention their religious affiliation, and because of those who belong to the Krishna community—their houses are demolished, and those who do not belong, their houses were not demolished, in spite of [inaudible] that the same legal status was for everybody for all owners of this land.

Unfortunately, the legal situation was very complicated, of course, but there were opportunities to solve the problem in a fair and a good faith way. It was if the government wants to do so.

The government didn't do anything to solve the problem in a good faith. They hide themselves behind the court decisions which were made in an untransparent and unfair way.

Mr. HASTINGS. Mr. Zhovtis, let me ask you another question, though. The Ambassador said that there are other Krishna communities that do not have property disputes that have ongoing opportunities to explore their religion.

Is that true?

Mr. ZHOVTIS. It's relatively true, because there are seven very small communities which have no places for worship and have no property at all, that they have not faced any problems, and other—it is the center. It is the center of Krishna community in Kazakhstan.

Mr. HASTINGS. I follow you. I follow you, but my point would be if the government was being totally intolerant, it would seem to me that the Krishnas would not have an opportunity to proceed at any place, and I've seen those, as have—

[Crosstalk.]

Mr. ZHOVTIS. There was a selective approach, unfortunately. There was a selective approach.

In this case, it was some kind of selective approach, and you could find out—very interesting—two things, that when you see in the TV how the high-rank official of the local executive branch said that the Krishna community—that even Indians deny the Krishna community.

How you could measure that, what I said, it's clear—

[Crosstalk.]

Mr. HASTINGS. Well, I don't want to get bogged down. We could be here forever about religion.

And I consider it critical—Ambassador, by all means, I will hear you, sir. But I did want to try to carry us into some other directions as well. But go ahead, Ambassador.

Amb. IDRISOV. Yes, just a couple of facts. Again, I full respect what our friends express here, but I do not want to impose my opinion in whatever way. Simply a couple of facts.

In this situation with Krishna, it was believed—and it was widely disseminated that the government or certain groups within the locality, with the support of local authorities, tried to take out the land from Krishnates for certain commercial needs, because the land is very expensive there.

I can give you the fact that not all the houses of the Krishna have been taken away. Those who had proper paperwork for their property titles—they have been allowed to continue to own that property, so it is not that it is being [inaudible] on the massive scale because you are Krishna. It is a wrong picture, completely wrong picture.

And second fact is that the land which has been retrieved is given for an orphanage. It's not being turned into a highly valuable commercial property or whatever. It has been given for an orphanage.

And again, this fact proves that the rumors which were spread were baseless. Thank you very much.

Mr. SMITH. With all due respect—

Mr. HASTINGS. Go right ahead, Mr. Smith.

Mr. SMITH [continuing]. Confiscated properties remains one of the most compelling issues as a holdover from the Nazi era, the Communist era.

And to think that confiscated properties are occurring real-time, now, raises very serious questions, especially as Kazakhstan is seeking to be the Chair-in-Office.

You know, there's always a pretext. There's always, you know, the excuse that papers—your papers were not in order. We hear that all the time. And whenever the commission gives an explanation like that, it's very disturbing.

I do think a few of the others wanted to answer.

Mr. HASTINGS. I want to accelerate us to another posture, and I fully respect the dialogue that has been ongoing.

But I'm curious, and I guess I put it to you, Dr. Herman. Some people maintain that allowing Kazakhstan to chair the OSCE will bring them into the fold—and Mr. Zhovtis earlier, before his “however,” had postured that that was his belief earlier, before subsequent changes that took place brought him on—rather than shutting them out, and by taking leadership in an institution dedicated to upholding basic human rights and democracy, Kazakhstan can't help but be influenced by their Chairman-in-Office tenure if they were to have that opportunity.

How would you respond to this argument? And while you are preparing your thoughts on it, you know, I was elected as the first American to be the President of the Parliamentary Assembly of the OSCE.

And, Mr. Merkel, I just want to correct the misapprehension that a lot of times people say when election monitoring—you talked about your experiences—takes place—ODIHR is always mentioned, and rightly so.

But the Parliamentary Assembly also conducts portions of those determinations, and I, for one, was the lead observer in the Kazakh elections previous to the more recent one, and while I made the declaration, that declaration was on behalf of ODIHR, NATO, the Council of Europe, and others.

But I also had my personal witness, and I can tell you I'm from Florida, and I saw things in Kazakhstan that were substantially improvements over whatever that mess is we have in Florida.

So when you look at it with another kind of lens, not suggesting by any stretch of the imagination that there were not problems, but, my goodness gracious, you know, we need to be mindful when we are highlighting these particular matters.

And back to you, Dr. Herman. When I was elected as President of the Parliamentary Assembly, there was criticism from a lot of the countries, France being lead among them, that an American should not be the President of the Assembly, that I would bring all of whatever it is in America to Europe, and I wouldn't be fair and objective and what have you.

And I doubt very seriously now if any of the persons in the Parliamentary Assembly would argue that my 2-year tenure was not

tinged with complete objectivity on a variety of subjects that are just as controversial as this one, ranging all the way from something that the American Congress is considering, the Armenian-Turkish disputes, the Greek-Turkish disputes, the Russian-European disputes.

And I balanced myself, taking myself to another level, in an effort to try to bring parties together and to fulfill the mandate of the OSCE.

And I haven't personally been persuaded why Kazakhstan can't do the same thing. When you cite to me their human rights violations, I can cite to you in the State of Florida what I perceive to be a serious human rights violation.

And I know we are free, and the highest of the free, of those. But last week, a terrible injustice took place in the State of Florida with reference to a kid that was killed in a juvenile detention facility.

Now, I could go on and on and on. I don't want to bring up Guantanamo. I've held hearings here about that. I don't want to talk about Abu Ghraib. I don't want to talk about Black discrimination and what have you.

But when other countries look at us and then we may be the ones that hold up their opportunities to come inside the fold, I personally would rather be in a position of having Kazakhstan be influenced by their opportunities.

And following with what Mr. Merkel said, having the troika, outgoing and incoming, person to work with, they couldn't help but improve. And how do you respond to that, even in the area of human rights?

Dr. HERMAN. Thank you for your questions. Let me start by going to the point you mentioned about the deficiency in the United States, and I know that's not the subject of the hearing, but it's relevant here that no country is perfect.

All democracies are in a path, a trajectory, of perfecting their institutions.

What I would say to you, though, the difference is, in a country like the United States and many of the other established democracies, what you have is self-correcting mechanisms such that when there are problems, you have the institutions, including a free press, including a vibrant civil society. You have an independent court.

All those things are checks on executive power and the balance of power, as we've talked about. And those are absent in transition countries, certainly in authoritarian countries, like Kazakhstan.

So there is not the self-correcting mechanisms that we would see in the more established democracies. That's one point.

The second one is the historical record is filled with cases where letting in countries that don't meet the standards—it is not a spur to further democratic reform. Lowering the bar has the impact of doing just that, of lowering the overall standards of the organization.

Now, I should say to you that Freedom House—when we do our annual reports, Freedom in the World and other things, it is not just a naming and shaming exercise.

The reason we do those reports is exactly to do what you suggested before, engage those governments in a dialogue about how to move the democratic process forward. It's pointing out some of the shortcomings, but it's for the basis of a conversation.

And more importantly, not a conversation just that Freedom House has with those governments, but that those governments should have with their own citizens.

It would please us to no end to see human rights organizations like the one that Yevgeniy represents engaging with their government on a dialogue about what needs to happen to move that country forward.

And as you heard, the democratic opposition, the leading human rights organizations, in Kazakhstan do not believe that bringing in Kazakhstan as the Chairman-in-Office at this time is going to be the answer, is going to be a spur to further democratic reforms.

If you take the example, let's say, of the European Union, in my experience that has been a very, very powerful incentive for governments to undertake reforms in order to bring them into conformity with the requirements of E.U. membership.

Those countries didn't get a free pass. They didn't come in when they were at the very, very bottom. They only came in admitted to the E.U. after they had achieved certain levels or standards of that organization.

I would say that that would also be the case with Kazakhstan. I am all for putting together a blueprint, a road map, of what Kazakhstan needs to do in order to get to the point that it will inspire the confidence of the other members.

Mr. HASTINGS. I take your point, and I'm going to just cut you off so that others—

Dr. HERMAN. Thank you.

Mr. HASTINGS [continuing]. including Representative Smith, could have something to say.

And you know, I'm no rookie in all of this stuff. You talk about the other countries that came into the E.U. Romania came into the E.U. and I can sit here and cite to you countless problems that still exist there, including—I'm sitting here with the world's leader on the subject of human trafficking, and I can tell you if Romania doesn't have a serious problem, then I know of no country that does.

So we can go back and forth in that regard, and I particularly enjoy the dialogue in that regard.

Ambassador?

And then, perhaps, Chris has something else.

And I don't want to overlook you at all, Mr. Merkel. I'll come back to you.

Amb. IDRISOV. Thank you very much. Quickly, on the point Representative Smith raised about the confiscation, it is exactly about protecting property rights. It is not confiscation. It is about the protection of the property rights, which we build as a sacred cow in our society.

Now, coming back to elections, you have touched upon the election process in Kazakhstan. May I respectfully remind all the participants today that we have had more than five elections over this short period of 15 years?

And a discussion of the election process as we have it here sometimes may create a picture that we are kind of—in a kind of a conflict with OSCE. On the contrary, we are very close partners with OSCE, particularly with ODIHR.

If you look at the record of our partnership and the work with ODIHR, you will see that every election, every election, is being described as an improvement.

This election—the report of the ODIHR mission says—the first line of the report says it is a work in progress. A lot has been done, and this election, as compared to the previous election, was much better in terms of the opposition parties' status, in terms of the access to the media.

And you will have full details of this, full account of this, in the report of OSCE.

Mr. HASTINGS. But, Ambassador, in the intervening time, the sanction that the parliament allowed in order that the President would be President for life—you said in your remarks earlier that you would address that subject and dispel the myth of the presidency for life.

I'd like to hear that.

Amb. IDRISOV. Thank you very much, Mr. Chairman. It is absolutely correct that it is not true. It is not a lifetime presidency. What the parliament did—it is a set of 40 amendments to the Constitution.

One amendment was to fix two terms for the President, reducing the term from 7 years to 5 years. So each and every President in the future will have two five-term periods for the Presidency.

In recognition of the unique set of circumstances this time, the parliament has voted for the right to this President, first President of the country, to run for the third time, if he chooses so.

And he will not stand unopposed. This was not a Presidential decree. This was an independent decision by the M.P.s, by the elected members of the parliament, to give the exceptional right to the current President to run for the third time.

If there will be—and he will run against other candidates which emerge by the year 2012 when we expect next election, so—and if he chooses. This is an opportunity for the society to encourage the growth of political leaders in the country by including political parties in the country.

Mr. HASTINGS. So you're saying he didn't reach his decision on the constitutional amendment that allows him to be president for life along with the admonition that he gave to President Putin that President Putin ignore constitutional restrictions and Western criticism and simply remain in office.

And I quote President Nazarbayev, who you know that I've had the pleasure of sitting and talking with. I quote him. He said to Putin to remain in office "as long as the country needs you."

Now, then, that didn't factor in President Nazarbayev's decisions with reference to what the members of parliament did, allowing that he succeed himself for the—

[Crosstalk.]

Amb. IDRISOV. No. This is, on the contrary, a concept of a safety valve. If the situation will have a danger of going into difficult situ-

ation, then he would have the exceptional right to run for the third time, to run, not unopposed.

And this was not his decision. This was an independent decision by the elected members of the parliament, which he couldn't overrun, because by constitution a president cannot overrun the ruling by the parliament.

That was as simple as that.

Mr. HASTINGS. Mr. Merkel, you have not had an opportunity to get in this with us. Go ahead.

Mr. MERKEL. I wanted to touch on Congressman Smith's dim light question, which—I noted that you addressed a dim light question to me. I think Russia is actively working to dim the light of the OSCE.

In the name of reform, they are trying to make the organization weaker. But in the case of Central Asia, I don't think that Kazakhstan would participate in this effort, and I don't think the comparison is right for them to be chairman would naturally dim the light.

Also, with a just heart toward Central Asia, there were three organizations that were invited to observe the elections in Kazakhstan—OSCE/ODIHR, the Commonwealth of Independent States, and the first election observation by the Shanghai Cooperation Organization.

I think at a certain point, with the number of elections that Kazakhstan has had, with the number of elections that have taken place in Central Asia and the Caucasus, and the OSCE providing recommendations, we have to also look not just why these countries aren't improving at a more accelerated pace, but why the OSCE and others of us are not more effective in encouraging progress.

We can keep the OSCE under glass and make sure that nothing happens to it, or, in my view, we can make it a more effective instrument in the regions that many believe are their *raison d'être* heading into the future.

And I think that this is a pivotal point in time that if the organization—although 53 members of the organization don't feel this way, but if the United States, the U.K., Czech Republic refuse Kazakhstan's bid, then I fear that the organization will be even less effective in trying to influence progress in this region.

And finally, I have great admiration—not just sitting here; I have great admiration always for the two of you in your pursuit of human rights. I've worked in Congress long enough to know that you're both champions of this.

I do kind of understand why Kazakhstan chafes a little bit in hearing of important issues when they're doing so many other things well. They need to hear about them.

But when Bobby, who comes from a great organization himself—I've known him for many years—and does great things, talks about that we need positive incentives to get their progress, positive inducements, I'm reminded of all we did to bring NATO members into the fold.

And that was a point in time when many of the issues from the Holocaust were resolved. And we put money toward it. We provided them the opportunity to sit at a table that meant great things. It meant more stability for future economic progress. It was a step-

ping stone toward E.U. membership, which is very different from OSCE membership.

And I don't see that same effort. And if you're sitting in one of the Central Asian capitals, I think what you hear is conditionality, not a road map of how we can work together to make sure that you're successful.

Mr. HASTINGS. Did we pass out the questionnaires? And anyone in the audience that may have received them, would you bring them up so that we—oh, they haven't been passed out? We'll pass them out, and maybe we'll get one or two questions from someone in the audience.

I've been trying, Chris, really, to lessen the podium and bring the audience into these matters.

I want to followup on Mr. Merkel's point and ask you again, Dr. Herman—I understand and have great respect, as you know, for Freedom House's activities, scoring, methodologies. I don't come to quarrel.

But on something of this magnitude, if you relegate yourself to just your niche, which largely is in the field of human rights, then you would not score Kazakhstan favorably in that area, and I accept how you come to your conclusion.

But what do you do with the close cooperation that Kazakhstan has with the United States of America in nonproliferation and counterterrorism? And do they not have an opportunity to get scored a little bit favorably on matters of that magnitude?

Senator, how are you?

Yes?

Dr. HERMAN. Mr. Chairman, I think that's obviously for you and for the State Department and other members of the administration to judge.

I made the point in my comments that we recognize that the U.S. Government has multiple interests with respect to Kazakhstan and that the promotion of democracy and human rights being just one of them.

I worked in the State Department on the policy planning staff, so I know some of the debates that take place internally with the administration.

What I can say and what President Bush has said is that we've learned the lesson that when you ignore democracy and human rights, you do so at your peril. And if you're looking at long-term stability in Central Asia and elsewhere, if you're looking at reliable allies, look to how those governments treat their own people.

At a minimum, it seems to me, that should be a standard that we should demand of any country that would be Chair-in-Office of the OSCE.

I do not see how you can expect a Chair-in-Office that has not lived up to its commitments as a participating State—that when they're catapulted to the Chair-in-Office that they're suddenly going to develop the political will to undertake the kind of systemic reforms that Representative Smith was talking about.

Mr. HASTINGS. Right. Well, you could kind of get ready for Kyrgyzstan at some point in the future. I've been speaking with their good offices and have been told that they intend to make a bid, and it will be interesting to see how that plays out.

And at the very same time, I think it important that we score the positives that countries produce in Central Asia, and I also think that we take into consideration a variety of positives and the negatives, and take into consideration those things that not only promote human rights and democracy but also that support and promote security.

And in this particular instance, looking long range, I think we have some critical decisions that need to be made before November, and there is talk out there in the realm of Kazakhstan putting off until the year 2011.

But I was wondering what other countries would come forward. What consequences might obtain by virtue of Kazakhstan not being permitted to be Chair-in-Office?

And don't drop the dime on the United States. There are some other countries that feel pro and con about this matter as well. And I just am grateful that we have an opportunity to air it.

And I believe the Ambassador and his country will feel good about the fact that there is a robust discussion ongoing here in the United States as well as in the Congress.

We've been joined by Senator Cardin, and I know he has a full statement that will be submitted for the record.

But if there is anything that you would like to add at this time, Senator, we'll leave the floor to you.

**HON. BENJAMIN L. CARDIN, CO-CHAIRMAN, COMMISSION ON
SECURITY AND COOPERATION IN EUROPE**

Mr. CARDIN. Well, Mr. Chairman, thank you very much.

And, Mr. Ambassador, it's a pleasure to have you before our committee. We thank you very much. Kazakhstan is an extremely important country in OSCE as well as in our foreign policy considerations.

So from both the point of view of OSCE and the United States, it's a real pleasure to have you before our committee.

And I appreciate, Mr. Chairman, my statement being made part of the record.

I must say I am conflicted here, because I think it's important that we look at the next plateau of leadership within OSCE, that we have a more effective organization in dealing with the important agenda that OSCE brings to all of its member states, including human rights advancements, including the economic and environmental and security dimensions.

And I think it's important that we figure out ways that we can better understand the challenges that each of our states face. I personally do not expect to see overnight change that would be, in my view, consistent with the OSCE commitments.

But I am concerned about the lack of political progress within Kazakhstan, and it's something that is troubling to me, and ones in which we need to have a better understanding before moving forward on supporting a leadership change within OSCE.

So I look forward to reviewing your testimony today and the exchanges that have taken place with the members of the commission. But I just really want you to know I'm open. I'm open for suggestions, because I do think that OSCE has been compromised in the last couple years.

The relationship with the Russian Federation has caused severe concerns about the effectiveness of OSCE. So I do think we have to reach out and figure out ways to be more inclusive within OSCE.

I would also hope we would look at changes within the mechanism. The relationship between the capitals and Vienna needs to be reviewed, because it's causing a bureaucratic problem in dealing with a lot of these issues.

The consensus requirements, I think, need to be reviewed also. And I think these are all issues that we need to explore as to whether the Chair-in-Office will be aggressive in seeking those types of reforms needed within OSCE.

So yes, I am concerned about Kazakhstan's records on fundamental issues that are important for a country that seeks to have the Chair-in-Office. But I am also concerned about the commitments made toward reform within OSCE.

And we'll be very much looking at those types of conversations during the next—I hope immediately, I mean, because time is running out on making decisions here, so that we can make an informed decision here.

And I'm not sure it's a yes or no issue, because there is a timing issue, whether it's this year or next year or the following year. I think these are all issues that we need to talk about in a very open way as to when is the best time for the types of transitions within OSCE.

So I very much appreciate this hearing. I think it's extremely important. And I can tell you that the committee I serve on in the Senate, the Foreign Relations Committee, is very much interested in what's taking place here in this committee today.

And very much appreciate the openness, Mr. Ambassador, of your participating in this meeting. I think it's extremely valuable—

Mr. HASTINGS. Yes.

Mr. CARDIN [continuing]. to the process, and I thank you very much for your attendance here today.

Mr. HASTINGS. Thank you, Senator.

Gentlemen, I'd ask you all to stand alert.

And, Ambassador, you're going to have an opportunity. But add some of these questions to the thought that you have there, if you could just put a pin in it right for a moment.

These are questions from the audience, and I'm trying to establish a tradition where the tremendous experts and feelings of others, other than those of you who are experts and those of us who are pretenders, get to talk, and the audience doesn't have an opportunity.

So here are some questions, and some of them are rather pointed. Kazakhstan's actions toward the OSCE are important. The country blocked the OSCE budget several years ago and brought it to a—and I couldn't make out the word, but seems like near closure, I guess, is what the scrivener is saying. President Nazarbayev has threatened to withdraw from OSCE over 15 years. Why do we want to reward this democratic child with a reward it has not earned?

And what is the—next question. What is the state of the dialogue between the Kazakh Government and civil society?

And again for you, Ambassador Idrissov, why has Kazakhstan joined Russia in promoting reforms of ODIHR's election observation role which would compromise the independence of ODIHR?

And would Kazakhstan be opposed to a 2011 bid? Why does it have to be in 2009?

And, Mr. Merkel, I don't know—I'm putting the question. I'm not seeking this answer unless you choose. On whose behalf is Mr. Merkel testifying? Who is he employed by today in giving his testimony?

And for Mr. Zhovtis, why has Kazakhstan moved away from its generally good record of tolerance and human rights of 10 years ago? And how would a Kazakhstan chairmanship affect the work of ODIHR, OSCE?

Ambassador, I'll start with you, or start with someone else if you want to collect your thoughts. Yes, sir.

Amb. IDRISOV. Thank you very much. First of all, let me express my full appreciation to Senator Cardin and for his kind words.

And I would like to, first of all, address the questions which have been asked for me, and then I want to make a point of—a general observation.

On the budget, budgetary issues in any multilateral organization is a complex issue. Therefore, if something happened 5 years ago, it was not the intention, I'm sure, of Kazakhstan to block—maybe there was a point of clarification of budgetary spendings, et cetera, et cetera.

And once again, this shows that we are quite responsible and sober in our membership in the organization.

As far as the quote, would-be quote, of President Nazarbayev saying that we will withdraw from the organization, I didn't see that quote, but I think that this quote has been taken out of context and should not be commented as such.

But Kazakhstan and its leader always confirmed their full appreciation and respect to organization and our openness and willingness to develop this [inaudible] further.

The dialogue with the civil society is ongoing. I will take you back to Kazakhstan 15 years ago when the notion of an NGO was absolutely unfamiliar to anyone in Kazakhstan. Now in Kazakhstan we have more than 5,000 NGOs. This will tell you what kind of a dialogue we are developing with civil society.

And actually, the government is putting together a number of practical efforts in terms of programs and budgeting these programs to develop this meaningful dialogue further.

We believe that the civil society is an important part of our growth. We believe that civil society is an important backbone of our society. Therefore we want to encourage the further meaningful and quality growth of the civil society, and we are in dialogue with them.

On ODIHR, we have an excellent—I started to address this issue. We have an excellent relation with ODIHR. We are in a permanent dialogue. And we simply take this dialogue as a friendly and fair dialogue.

ODIHR is not ideal, as Kazakhstan is not ideal either. We believe that there are points of perfection for both of us. Therefore, we engage ourselves in this meaningful dialogue.

We believe that we have full right to point to the areas of criticism as we believe to ODIHR, and we full respect the right of ODIHR to point at the areas of criticism as they believe.

Therefore, we are in a permanent dialogue, and it is not that we want to undermine ODIHR. On the contrary, we want to enhance the integrity and the future of ODIHR.

We believe that this organization is very important, and we will be supporting ODIHR in our future chairmanship if we have the privilege to be elected.

Why 2009? Because 2003 and the beginning of 2000, of the 21st century, actually brought enormous progress in Kazakhstan's economic and political growth.

Our philosophy was to concentrate on economic growth and stability. We believe that this is the basis to usher in meaningful, important political reforms, which we are trying to do now.

Actually, the constitutional reforms are the first step of our major focused work on political reforming of the country. This is just a first step. And the election which we had is the first step. It's not the final destination.

We understand that the final destination is far ahead of us, and we quite understand that for Western standards, this one-party parliament which we have after the election is something which is strange. We understand this completely.

But I draw attention of distinguished members here to the words of the president when he said immediately after the election that he was sorry that not all the parties were able to make it to the parliament.

But he said that all ideas which have been voiced by the opposition parties—they will be taken full on board on the constructive basis. And he stressed that all the voters who supported opposition parties will be heard and their interests will never be ignored.

And this is not the last election. We believe that we'll have many more elections. And this was simply a point when opposition parties were weaker.

And Mr. Zhovtis will agree with me that the whole point is that our President is enjoying a lot of popularity in the country and the vote which we had last August was a fair vote, because electors in Kazakhstan that had the opportunity to make a free choice, as they have in the previous Presidential elections, when strong opposition leaders were given the right to stand for elections.

There were no restrictions on opposition leaders. There were no restrictions on opposition parties, et cetera, et cetera. We are a growing society, and we now started—and we are making major announcement to the world: Look, we have built economic muscles. Now, we strong enough to think more meaningfully about protecting ourselves politically.

This is the message we are sending to the rest of the world and to our partners like the United States. Thank you very much.

Mr. HASTINGS. Thank you very much.

Mr. CARDIN. Could I just, Mr. Ambassador, followup one issue that you did not cover?

And that is Russia has put forward a proposal in OSCE election monitoring which is viewed as a Russian proposal to significantly weaken the traditional role of OSCE in monitoring elections, some-

thing that our delegation, our Commission, has taken very much as a priority to strengthen, not weaken, the election monitoring procedures.

We think we understand the motivation of the Russian Federation, and it's something that we will have to deal with. We were disappointed to see that your country co-sponsored that.

And I thought that appeared to be an accommodation to the Russian Federation which is—one of the things we're looking for is the independence of your country in leadership within OSCE.

And I wanted to give you an opportunity to respond as to the co-sponsorship of that resolution.

Amb. IDRISOV. Yes, with regard to the co-sponsorship, I explained the rationale behind our co-sponsorship. As I said, we want to be a responsible chairman of the organization.

And we believe that there is room within the organization to further perfect itself. ODIHR is a very important, indispensable instrument within the OSCE. We fully recognize that.

But we believe that since the practice of election is diverse within the space of organization, therefore we believe that ODIHR, through its engaged dialogue with all the membership of OSCE, can further perfect its performance in terms of monitoring the election.

We fully understand that this is a very important element of OSCE activity and ODIHR. Therefore, by sponsoring this—co-sponsoring this resolution, we voiced our recognition of the need to work further with ODIHR to make it better, to improve the function of ODIHR in monitoring the elections. That's it.

Mr. CARDIN. I would suggest that that would be perhaps perceived more favorably if it was an independent initiative by your country.

But joining the Russian Federation, which has had such a difficult record of late with election monitoring issues, puts you with a country that is just not credible in its belief that it's trying to strengthen ODIHR.

Amb. IDRISOV. Mr. Senator, quite respectfully, I have the experience in working in multilateral organizations, and sometimes resolutions are being sponsored and co-sponsored, as it is the practice in OSCE, in the United Nations, et cetera, et cetera.

But I will tell you that we have made our opinion heard independently on improvements of different elements and different institutions within ODIHR—within OSCE.

So the fact of co-sponsoring the resolution where the main sponsor was Russia is not the fact that we are going to play in the hands of anyone. We will be playing in the hands of interest of Kazakhstan and in the interest of the organization itself.

Mr. HASTINGS. Mr. Zhovtis, a question was put directly to you. Do you remember the question?

Mr. ZHOVTIS. Yes, of course. I think what happened 10 years ago when the constitution signed in '95 was adopted—it was the shift in the policy from liberal democratic past to more authoritarian.

It was explained that it is because of the need to develop the economy, to make privatization process more or less controlled, and so on and so on.

But it was a very clear turn around, because a lot of things happened during that time, and oppositional political parties practically disappeared from the political arena, independent media, especially electronic—I mean TV and radio—practically disappeared from the Kazakhstan political scene.

And I disagree with Mr. Ambassador—I agree that Mr. Nazarbayev and Party Nur Otan, of course, gathered much more public support. But to some extent, it's the result of some narrowing political space for others.

You could find some leaders of political opposition which were arrested and put in prison, and some are in exile, and it was politically motivated travel in spite of the fact that, of course, Mr. Ambassador could refer to the, quote, decisions.

It was the lack of access to nationwide media, nationwide mass media, and if you have no access to nationwide mass media, you could not bring your programs, your platforms, to the voters.

You have the problems with the registration. The country with a 15 million population needs 50,000 signatures to create and register political party.

And it's practically—very complicated procedure of registration, and some political parties are still denied registration.

There are a lot of constraints in the process which leads to certain results, because no matter how we are conducting and technically make better the election as such.

And one thing I want also to mention—when we're talking about stability, we should keep in mind that at this point in Kazakhstan it is personal stability, stability based on one person, which is the center of the political system.

It is not institutional stability, and it's a very big risk that if this personal stability will disappear and will be not replaced by an institutional stability, by—institutions of the constitutional democratic state, it will be at risk.

And the last question was about what happens if Kazakhstan will chair OSCE. I have some questions which I could not answer myself.

When Kazakhstan came out with this bid for OSCE chairmanship, the democratic forces, human rights organizations, international community came out with this moderate list of some practical steps to show its commitment to the OSCE obligation.

Why did Kazakhstan not do these? It was very few—registration of political parties, improvement of the legislation on peaceful assembly and so on. Why it has not happened during this 1.5 years?

Thus, I could not say how the Government of Kazakhstan will do it the best, if it will receive this high position. It's very unclear, because during this 1.5 years—and I'm already repeating—it was unclear why we had these elections which fell far short from international standards. Thank you.

Mr. HASTINGS. All right.

Dr. Herman and Mr. Merkel, if each of you would take a minute, and then I'm going to read two more questions and allow the Ambassador to take and have the last word.

So if I could just hold you to a minute, I would appreciate it.

Dr. HERMAN. Let me just make one point, which is that the Ambassador had said, and we quite agree, that the question becomes

how to move the country forward. And I think what we've heard today is that the preconditions for doing that don't now exist in Kazakhstan.

So yes, we need a dialogue with Kazakhstan. Yes, we need to incentivize how we would put in place democratic reforms. But as you just heard from Yevgeniy Zhovtis, those conditions don't now exist in Kazakhstan.

So the basic building blocks to get to the point at which Kazakhstan could meet its OSCE—the OSCE standards and its other commitments under international obligations, whether it's a free press, whether it's a level playing field for the political opposition—because those things don't now exist, I have very little confidence that Kazakhstan is on a trajectory of profound political change.

In fact, I think what we're seeing and what we've heard is that they've really gone backward, and I think that we've seen those initial years after 1991, after independence, where some of those conditions did exist on the ground, it did seem like Kazakhstan was on a trajectory to move more in that direction.

Now that process has been short-circuited.

Mr. MERKEL. I was asked on whose behalf I'm here today, and I feel quite Kissinger-esque, where after being involved with the opening of China because of the appreciation of the importance of China, when you speak about China afterwards people would think that it must be because he has business interests in China.

When I was at the White House, I was very fortunate to be involved in the strengthening of our strategic partnership, President Nazarbayev and President Bush had the opportunity to meet—and a joint statement providing a direction for our future relations.

When I was asked to speak here, I thought the Commission quite appropriately asked me if I had business interests involved. I do not. I have no business interest with Kazakhstan or with companies that are involved with Kazakhstan.

I think that this is important because it's important to the United States of America. And I would just—want to touch on one topic that Senator Cardin mentioned, which is the independence of Kazakhstan.

Kazakhstan pursues a multivector foreign policy. They want to have good relationships in their neighborhood. They want to have good relationships with major powers. Our interest is not to wean Kazakhstan away from Russia. History, diaspora, education, culture would make that unsuccessful.

Our goal should be to preserve our access and influence in the region and provide more options for the countries in the region, where they don't always have to look to Russia or China, but there is a good path toward Europe and European values.

And that should be our goal, to where they can cut better deals on a lot of different issues because they have more options.

Mr. HASTINGS. You cite something that I think is not highlighted here among us policymakers, and that is the multivectoring that Kazakhstan does.

More specifically, if they were to be the Chair-in-Office, their interface with the Shanghai group would be of immense importance.

But I don't think a lot of policymakers even know that the Shanghai group is of substantial import—not those of us, and maybe many in this room. I'm talking about folk that just simply are not mindful of ongoing events.

I have another belief as well. For example, when I first went to Kazakhstan, I had an opportunity to meet with all of the officials and Mr. Zhovtis, with opposition persons. As a matter of fact, I had a whole day of discussions with members of the opposition.

And my second visit I had an opportunity to meet with President Nazarbayev. And it was after Hurricane Wilma, and I had traveled with President Bush to Florida to review the damage there on Air Force One.

And President Bush was mindful that I was going to meet with President Nazarbayev, so he gave me a message, not anything secret, but a message to carry to President Nazarbayev.

And I told President Nazarbayev I was going from there to Uzbekistan, and so he gave me a message to give to President Karimov, and I'm saying to myself, "Who am I, the Presidential courier here for these people?"

But the point that I wish to make is Kazakhstan's relationship with other Central Asian countries is of critical import with reference to the future.

And OSCE's future in large measure must contemplate the Central Asian countries in a manner that I believe that Kazakhstan could help in developing stronger missions and allowing discussions with those countries, including the new opportunities in Turkmenistan, and I cited earlier to Kyrgyzstan.

All of these countries have a different approach to matters than the Western approach, and the sooner we begin to understand that, the better off we're going to be.

Ambassador, there were two other questions, and I'll just read them, because I do ask our participants that come to hear these hearings to do this little bit. But you don't have to respond to them right now. Maybe you can give me something and I'll put it on our Web site.

It said could you elaborate or comment on recent Kazakhstan's joining the U.N. conventions protocols on human rights and/or convention against torture. Kazakhstan signed it in September '07.

And then the other one I think we've answered. If the prospect of OSCE chairmanship has not induced Kazakhstan to make progress so far, why would actual chairmanship induce it to do so? I think we have had some discussion on that.

We have 2 or 3 more minutes, and I'll let the Ambassador have the last word.

But if I may, I would like to announce for those present that we will hold a hearing of the Helsinki Commission on Thursday, this coming Thursday, October 18th, at 9:30 in room B-318 of the Rayburn House Office Building.

And the hearing is going to focus on the challenges facing today's Europe and the ability of the Organization for Security and Cooperation in Europe to meet those challenges, which include unresolved conflicts and obstacles to democratic development in a region stretching across North America and Europe into the Caucasus and Central Asia.

And our witness at that hearing will be the President of the Parliamentary Assembly of the Organization for Security and Cooperation in Europe, and chairman of the committee on foreign affairs and the Swedish parliament there, Riksdag, my successor in the organization, Göran Lennmarker—is going to be our witness, and I encourage people to attend that hearing.

I would also make mention of the fact that the Parliamentary Assembly's annual meeting is in Astana in July of next year and it poses some interesting developments between now and that time.

Ambassador, perhaps, sir—you've been very gracious with your time, and as Senator Cardin said, and Representative Smith, we deeply appreciate your participation.

I hope it has been enlightening for you in the sense that, as I said earlier, a robust dialogue is in progress.

You, sir.

Amb. IDRISOV. Thank you very much, Mr. Chairman. It is our policy—we believe that dialogue is always enlightening. Therefore, we like being engaged in a dialogue.

I would like to make my final statements. I may once again put on record that we respectfully disagree with those who want to create a picture that there are no building blocks in Kazakhstan for further growth.

The situation in early '90s was when Kazakhstan just came out of the shackles of the Soviet Union and there was nothing on the ground there. We have concentrated our efforts to build the economic building blocks, to grow the country further.

This is what we have achieved now, and this is what we are now announcing, that we are now focusing our efforts on political maturing of the society and our institutions.

I do not agree when somebody said that there is no progress. There is a lot of progress, and this is being widely recognized by many external observers of Kazakhstan.

And I may also make a final point, Mr. Chairman. We believe that the bid for Kazakhstan, which we announced in 2003—when we started to feel our economic muscles to grow, we believe that our bid has created a lot of opportunities.

We believe that this is an opportunity for ourselves. This is an opportunity for our part of the world. And this is the opportunity for the organization.

We all grow. Therefore, we want that this situation becomes an opportunity—a situation when we use this opportunity. And we, of course, do not want to see the situation when it is a missed opportunity.

We invite everyone to look deeply into what's going on, and we believe that we should take the opportunity which is being offered by life to us.

We call on all our partners, particularly the United States, which is a strong and longtime partner of independent Kazakhstan, to look at as the golden opportunity to grow for everyone involved in this process.

I thank you very much, Mr. Chairman.

[Whereupon, at 11:58 a.m., the hearing was adjourned.]

APPENDICES

PREPARED STATEMENT OF HON. ALCEE L. HASTINGS, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Ladies and Gentlemen, welcome to this Helsinki Commission hearing. I see by the number of people and the presence of media from all over the world that the subject of our inquiry today—Kazakhstan's bid to chair the OSCE in 2009—is especially timely and important.

I am frankly not surprised at the level of interest. Much is at stake here. Indeed, one of my goals today is to illuminate just how much is at stake—for Washington, for Kazakhstan, for Central Asia, for Russia and for the OSCE, a security organization known for its promotion of democracy, human rights and rule of law.

The former Soviet republics joined the OSCE in 1992, thereby agreeing to implement all of its commitments on democratization and human rights. Kazakhstan, like most of the ex-Soviet states, has found this a difficult transition.

Consequently, Kazakhstan's candidacy has been controversial ever since it was put forward in 2003. For Washington, and for many other OSCE capitals, Kazakhstan's bid crystallizes the competing imperatives of seeking to promote democracy while maintaining and strengthening ties with an energy-rich, moderate Islamic state, eager to build good relations with the Western world. Washington has consistently told Kazakhstan that the U.S. supports Astana's ambition to chair the OSCE but insists on demonstrable progress on human rights.

This question was actually supposed to be settled at last year's OSCE Ministerial. However, the participating states could not reach agreement about supporting Kazakhstan. It is no secret that Washington, citing the record of flawed elections, continuing human rights problems and the concentration of power in the executive branch, was among those OSCE capitals that did not back Astana's candidacy.

For that reason, the matter was essentially postponed last year, in the hope that circumstances would change in the interim so as to make the decision in favor of Kazakhstan easier to make this year.

It would appear, however, that such is not the case. In 2007, President Nazarbaev received parliamentary sanction to remain in office for life, if he so chooses.

Parliamentary elections in August did not meet OSCE standards, and produced a one-party legislature, with no opposition representation.

So while no official statement has been issued by Washington, and none may be forthcoming before November, the indications are that the U.S. remains reluctant to endorse Kazakhstan. Apparently, even some countries that formerly supported Astana's candidacy have begun to rethink their position. That is where we stand today, with the November Ministerial right around the corner.

Some of you may have noted the absence from our panel of distinguished witnesses of any representatives of the U.S. Government. Let me assure you that is not an oversight. I have been in discussions with high-level State Department officials about this matter for some time and felt that considering the delicate diplomacy involved, it would not be entirely helpful to ask the Department to air its views in public here today.

But that does not mean we cannot examine this complex issue with other, non-U.S. Government experts. Hearing from proponents and opponents of Kazakhstan's candidacy will help all of us reach a conclusion on that country's suitability to head the OSCE and the ramifications for the United States of a Yes or No vote.

To that end, we have very carefully selected our witnesses. Leading the charge for Kazakhstan is that country's Ambassador, Erlan Idrissov. He comes to this post after a long and distinguished career, which included a stint as Kazakhstan's Foreign Minister. It is hard to imagine anyone who could better make the case for his country's candidacy.

Also on the "pro" side is a former U.S. Government official. David Merkel, a former Deputy Assistant Secretary of Commerce, used to work on the Hill, so he is intimately acquainted with the mechanics and drama of a Congressional hearing. Most recently, he was the Director for Central Asia at the National Security Council, where he was directly involved in deliberations about the issue under discussion.

Arguing against Kazakhstan's OSCE ambitions are prominent human rights advocates, from the United States and Kazakhstan. On September 21, a coalition of U.S.-based organizations issued a public statement urging Washington not to support Kazakhstan for OSCE chair. We asked those participating organizations to select someone to represent them and they chose Dr. Robert Herman, Director of Programs at Freedom House.

Joining him in the "No" column is Yevgeniy Zhovtis, the Director of the Kazakhstan International Bureau for Human Rights and Rule of Law. Mr. Zhovtis has been one of the leading human rights activists in Kazakhstan for many years. We are fortunate that he happens to be in Washington this week, at the invitation of the U.S. Committee on International Religious Freedom.

There were many other witnesses we considered inviting but we decided to keep the number small, to allow more time for questions. Possibly, we may return to this issue in another hearing, at which other points of view could be expressed.

Without objection, all the witnesses' prepared testimony will be entered into the record. I ask them to summarize their remarks and keep them as brief as possible to allow more time for questions.

**HON. BENJAMIN L. CARDIN, CO-CHAIRMAN, COMMISSION ON
SECURITY AND COOPERATION IN EUROPE**

Mr. Chairman, I want to commend you for holding this hearing. Those of us who are closely involved in the OSCE know well that the November Ministerial, where important decisions have to be made, is bearing down on us. This hearing will help us clarify our thinking about Kazakhstan's aspirations to chair the OSCE.

The Helsinki Commission has been deeply engaged in discussions about this issue ever since Kazakhstan's Ambassador to the OSCE first claimed the mantle of the organization's leadership in 2003. The Commission has been in discreet contact with the White House and the State Department, as well as with senior Kazakh officials.

Today, in thinking about the merits of Kazakhstan's case, one must consider whether the country in the last 15 years has made sufficient progress in developing rule of law, institutionalizing political pluralism and observing OSCE commitments, to head an organization best known for its human rights profile. All of us are familiar with the assessments of human rights organizations on that score.

Even Kazakh officials concede they have a long way to go. But they maintain they have made impressive progress, certainly sufficient to head the OSCE and promise even more and faster gains if they become chair-in-office. For example, Ambassador Idrissov assured me recently that the constitutional amendments adopted this spring will strengthen the legislative branch and promote the rise of a multi-party system in Kazakhstan.

But I frankly find myself stuck on the fact that President Nazarbaev can now be president for life, if he so desires. There is little reason to think he will not. Moreover, Kazakhstan's parliament is now composed only of members of President Nazarbaev's ruling party. These facts give me serious pause and raise grave doubts about President Nazarbaev's intentions and the prospects of Kazakh democracy.

Apart from domestic policies, I recall President Nazarbaev's support for his counterpart in Uzbekistan when Islam Karimov oversaw the bloody massacre at Andijon. More recently, the Kazakhs have co-sponsored a disturbing Russian proposal on OSCE election monitoring, also backed by Alexander Lukashenka of Belarus. We understand that a similarly restrictive paper on NGOs and civil society will be issued any day now, in an attempt to muzzle human rights activists and exclude them from future OSCE human dimension meetings. Such actions are very revealing and not reassuring at all.

But are these the only proper and appropriate metrics for considering the issue? Should we only be thinking about whether Kazakhstan—or any other country—is in substantial fulfillment of its OSCE human rights commitments to be a serious contender for OSCE chairman? Or, should we also give thought to geo-strategic and economic ramifications?

For example, if we don't support Kazakhstan's candidacy, will we push the country closer towards Russia and China and those members of the Shanghai Cooperation Organization which not only do not value human rights but see the entire issue as a wedge to divide Central Asian states from Western influence and institutional

integration? Would we risk losing out on energy deals and pipeline routes that would benefit Western consumers?

Or, as Kazakhstan's representatives have frequently asserted, is the OSCE chairmanship a "right" and not a "privilege?" Privileges, by definition, must be earned and imply special status; rights are inherent and are usually taken for granted.

Perhaps the most important and troubling question for me is whether giving the OSCE chairmanship to Kazakhstan this year for 2009 will help democratize the country, as advocates claim, or will simply reward bad behavior, as opponents fear.

These are issues Members of Congress confront in dealing with many countries. What singles out the Kazakhstan case is that at stake is the leadership of—not just membership in—the OSCE.

These are not simple or obvious matters. For that reason, I am particularly interested in hearing what our witnesses have to say.

**HON. CHRISTOPHER H. SMITH, RANKING MEMBER,
COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. Chairman, I'm pleased to be participating in this important hearing. I have believed since 2003 that the question of Kazakhstan's candidacy to chair the OSCE deserves the closest attention from policymakers. As far as I know, this hearing is the first open discussion of the issue. It comes at just the right moment, given the impending OSCE Ministerial in Madrid.

Let me say at the outset I would in principle be happy to welcome Kazakhstan's candidacy. It would indeed be very healthy for the OSCE if Kazakhstan, or any of the other former Soviet republics, were ready to chair the organization. It would signal important growth and maturity for the country in question, as well as for the OSCE.

But I fundamentally disagree with the official Kazakh perspective that chairing the OSCE is a right, not a privilege. On the contrary, the OSCE Chair-in-Office, for reasons symbolic and substantive, is too important to be merely a rotating position, which any participating state can hold. I believe that the OSCE Chairman must be in compliance with OSCE commitments. We cannot be content to have as the Chair simply the most democratic of the OSCE's most repressive states.

Since 2003, the U.S. Government has been conveying memoranda to Kazakh authorities detailing what reforms they must implement to gain Washington's backing. I have referred to these documents myself in conversations with Kazakh legislators at meetings of the OSCE Parliamentary Assembly.

Unfortunately, Kazakhstan has not made the necessary reforms. The country's constitution calls for a balance of powers, but President Nazarbaev rules his country autocratically. The legislature and courts provide no genuine checks and balances. Electronic media, though formally privatized, remain under strict state control. There are still some opposition parties that have not been registered and Kazakh authorities carefully limit the freedom of assembly. Though many religions coexist in Kazakhstan, I am disturbed that Kazakh law insists on registering communities of faith. I am deeply concerned about the recent raid on Grace Presbyterian Church in Karaganda and problems faced by the Hare Krishna.

Mr. Chairman, all this was the situation even before the events of this year, when parliament gave Mr. Nazarbaev the right to be president for life; before yet another election that OSCE could not certify as free and fair—and before the emergence of a one-party parliament that surely will do President Nazarbaev's bidding in all matters.

Even before this year I was unable, in good conscience, to support Kazakhstan's candidacy for 2009. After the events of 2007, I certainly cannot. It is my understanding that U.S. diplomats have been urging Astana to think about 2011 instead. I hope that Astana will back away from insisting on 2009 in favor of that more realistic option.

Putting off a Kazakh chairmanship two more years does not make it automatic for Kazakhstan. I will not be able to support a Kazakh bid any year until the country makes substantive reforms.

But if and when they make these reforms, Mr. Chairman, I will be the first to applaud and congratulate Kazakhstan on its success and welcome its holding this important position.

In the meantime, I look forward to hearing from our witnesses.

**H.E. ERLAN A. IDRISOV, AMBASSADOR OF KAZAKHSTAN TO
THE UNITED STATES**

Distinguished Members of the U.S. Congress and the Commission on Security and Cooperation in Europe (Helsinki Commission),

My name is Erlan Idrissov and I am Kazakhstan's Ambassador to the United States. I appreciate this opportunity to comment on the possibility of Kazakhstan being selected to chair the OSCE in year 2009.

On behalf of my government, I wish to convey our appreciation to the new co-chairmen, Senator Ben Cardin and Representative Alcee Hastings, and other members of the Helsinki Commission for their strong leadership in promoting democratization and the fundamental freedoms of all the participating states consistent with the Human Dimension of the OSCE.

Today's hearing is timely given the upcoming ministerial conference in Madrid next month, which will determine the OSCE chairmanship for 2009. At the ministerial conference in Brussels held in December 2006, all member countries confirmed the legitimacy of Kazakhstan's bid and unanimously decided to continue consultations in order to make a final decision in Madrid next month.

Securing the chairmanship of the OSCE in 2009 is a high priority of Kazakhstan's foreign policy. As Ambassador of Kazakhstan to the United States, my testimony will cover Kazakhstan's progress over the past 15 years, its commitment to political and election reforms, a positive relationships in the world community, measures it has taken to address some criticisms of other member nations, and its vision for making OSCE a progressive and viable organization in the twenty first century.

To begin, it is helpful to present a brief history of Kazakhstan's notable developments since the breakup of the Soviet Union.

Kazakhstan is the ninth largest country in the world with a population of 15 million, and a literacy rate of 99 percent. As of 2006, GDP is growing at a rate of 9 percent. Of the former Soviet Union countries, Kazakhstan's economy has demonstrated the most impressive growth.

Over the last 15 years, Kazakhstan has fostered positive relationships not only with its immediate neighbors, but also with the United States, and countries of the European Union and Asia. Kazakhstan's unique geopolitical position and impressive reform record through the post-Soviet years makes it a model country in the region and allows it to serve as a stabilizing force, particularly among the Central Asian countries, Russia, and China. The U.S. was the first country to recognize Kazakhstanian independence and establish diplomatic relations following the breakup of the Soviet Union. In fact, the U.S. Embassy opened in Kazakhstan in January 1992, less than one month after it attained independence.

Since that time, the U.S.—Kazakhstan relationship has been strengthened by close cooperation in many areas that have proved important to both our countries.

CURRENT REFORMS—PERCEPTIONS AND REALITY

In May 2007, President Nazarbayev announced a series of significant political reforms designed to further develop a genuine democracy and civil society. Among his proposals were judicial reform; reduction of the presidential term from seven to five years, increasing the powers of Parliament so that the government would be accountable to it; introducing proportional representation to elect members of the Majilis (Lower House); and establishing a party-based parliamentary system.

The President's announcement was greeted positively in the United States and Europe, yet the Western media reporting has been narrowly focused on an amendment added by the Majilis to grant President Nazarbayev the right to stand for a third term in 2012. The comprehensive reform package, adopted by the Majilis, was never fully and fairly reported, thus it is not surprising that negative perceptions exist and have become the source of recurring criticism in recent months. The reality is that Kazakhstan is moving in the right direction and is emerging as a model for other countries in the region.

Our democratic achievements were recently noted by Germany, France and Italy to explain why they support the Kazakhstan bid for 2009. These reforms have included a multiparty parliamentary system; reform of the justice system and humanization of the penal system; freedom of religion and respect for minority rights, tolerance towards refugees, recent decrease in trafficking in human beings; a moratorium on the death penalty; a system for monitoring human rights (Presidential Commission on Human Rights, human rights ombudsman, National Commission on Issues of Democratization and Civil Society); and ratification of important international treaties and conventions, such as the International Pact on Civil and Political Rights (November 2005).

The U.S. government considers Kazakhstan to be of vital importance as a stabilizing force in the region. It also plays a very important geopolitical role to the EU, sitting strategically between Russia and China. The Bush Administration has encouraged Kazakhstan's leadership on energy development in the region to help diversify energy sources. This piece of Realpolitik is becoming an urgent matter for energy dependent nations in Europe and elsewhere.

Kazakhstan has also made a notable contribution to world peace by its early efforts to dismantle nuclear weapons, signing the Nuclear Non-Proliferation Treaty of 1993, and its leadership in the region and beyond in promoting efforts to dismantle nuclear weapons internationally.

Kazakhstan voluntarily renounced the use of nuclear weapons immediately following the breakup of the Soviet Union, and has since called on all states seeking nuclear weapons to abide by their NPT commitments and follow the example set by Kazakhstan. Among its related initiatives, Kazakhstan hosted the Global Initiative to Combat Nuclear Terrorism in June 2007. It is a member of NATO's Partnership for Peace, IAEA, and participates in the Nunn-Lugar Cooperative Threat Reduction Program.

Mr. Chairman, I appreciate that this hearing is devoted to the OSCE chairmanship, of which Kazakhstan is the leading nation to assume this position for 2009, and now would like to comment on matters relevant to the U. S. consideration and ultimate decision on who to support for the chairmanship position.

- **Economic and Market Reforms.** Under President Nazarbayev's leadership, Kazakhstan's has made impressive strides in implementing economic and market reforms and has become a model in the region. Our financial institutions have been privatized and indeed Kazakhstan is preparing to become the financial center for Central Asia. A public announcement is scheduled to be made here in Washington on October 21.

Kazakhstan promotes a transparent investment climate, having implemented comprehensive tax reform and a privatization program. As proof of these strides toward economic liberalization, U.S. exports to Kazakhstan in 2005 grew over 70 per cent, reaching \$540 million. In addition, the U.S. and Kazakhstan have worked together on technical assistance programs to promote good governance and fight corruption, including judicial reform, judicial ethics, drafting legislation to conform with WTO requirements, training of parliamentarians on ethical issues related to conflicts of interest, programs to support development of free media, seminars hosted by corruption experts, and support for a local chapter of Transparency International. Many Kazakhstani companies are pursuing IPO's and joined the London Stock Exchange and plan to join the New York Stock Exchange.

- **Democratization and Electoral Reforms.** Kazakhstan's commitment to advancing democratic and political reforms has been publically assured by President Nazarbayev and conveyed to your Secretary of State by our Foreign Minister Tazhin when they met on May 9, 2007. While the August elections, the first after the reform package was enacted, did provide an extraordinarily favorable vote for the President's party, the fact remains that the election system was significantly reformed, media coverage, including debates, extended to opposition parties, and the election system was deemed fair and efficient by most international observers, including the OSCE, which called the August 18, 2007 elections "a welcome progress".

To this end, electoral legislation has been improved, the system of local government is being reformed, the legislation on mass media is being liberalized, a program for the development of civil society is being implemented, and there is a hard fought campaign against corruption under way.

- **Proven Leadership in International Organizations.** Fourth, Kazakhstan is also prepared for the OSCE chairmanship in terms of our technical capacity to run and chair a large international organization. We are building an ad hoc group of experienced diplomats for the practical implementation of Kazakhstan's OSCE chairmanship. Furthermore, Kazakhstan already has the experience of managing other multilateral bodies: the CIS, the Shanghai Cooperation Organization, the Economic Cooperation Organization, and the Eurasian Economic Community. Kazakhstan has itself initiated the launch of the Conference on Interaction and Confidence Building Measures in Asia, which has been successfully chaired by

our country for more than 15 years. In 2006, Kazakhstan effectively presided over the Third Conference on Review of the CFE Treaty. We have held the OSCE Conference on Tolerance, which was singled out by the OSCE and the EU leadership for its efficient organization.

- Promotion of Diversity and Religious Freedom. President Nazarbayev's personal commitment to religious freedom is renowned internationally, particularly among religious leaders of all faiths. Every three years he presides over the Congress of World and Traditional Religions in Astana where hundreds of religious leaders participate in a two day session. The next session of the Congress will be in September, 2009.

Kazakhstan is one of few Muslim countries with a unit (engaged in the dangerous activity of de-mining) in Iraq alongside U.S. forces for years now. It is also a predominantly Muslim country that enjoys excellent relations with Israel and that actively promotes religious tolerance, especially within its Jewish community. We recognize that Americans cherish this freedom above all and trust that it will be a consideration when the State Department weighs its decision on the OSCE chairmanship.

OSCE AND CENTRAL ASIA

As members of the Helsinki Commission can appreciate, former Soviet Republics have been challenged in breaking away from the past and charting a new and uncertain course to the future. The experiences have been varied, to be sure, but at least in Central Asia, Kazakhstan has been the leader in advancing both economic and democratic reforms.

The OSCE is the one organization that has been established to guide participating states in a manner that will help build institutions and a value system that are inherent in the three Dimensions mandated by the Helsinki Final Act (HFA). Eastern European countries have made great strides in embracing democracy and market economies, while other countries in the former Soviet Republic have mixed reviews, yet it is in Central Asia that the challenge is the greatest at the moment.

That is why we believe that Kazakhstan can play a crucial role as chairman of OSCE. Kazakhstan will be in the forefront of building the organization's legitimacy and will serve to encourage others in Central Asia to work toward democracy. It will also encourage Kazakhstan to move forward with meaningful reforms and the rule of law, paving the way for other countries in the region. It is in this spirit that so many of the 55 member states have already announced their support of Kazakhstan's candidacy.

Not selecting Kazakhstan to head the OSCE will be a missed opportunity and could possibly undermine the incentives that are essential if other CIS countries are to follow Kazakhstan's lead. With difficult times ahead already (reform discussion, mandate extension for the OSCE Centre in Tashkent, to name just two controversial issues), it cannot be in our interest to add another line of division.

KAZAKHSTAN'S OSCE CHAIRMANSHIP GOALS

1. Kazakhstan, as the chairman of the OSCE, would conduct a principled independent policy based solely on the interests of the Organization. We do not intend to become a promoter of interests of any other state or a group of states. Below I will outline Kazakhstan's specific priorities.

2. Human dimension will be one of the top priorities for Kazakhstan. We will also work hard to fight terrorism, nuclear proliferation, human trafficking, narcotics and weapons smuggling—all dangers threatening the security and democratic equilibrium of OSCE Member States.

3. Kazakhstan welcomed the OSCE Observer Mission (and other international election observer missions) to its August 18 parliamentary election, and values the advice it and others provided on the need for procedural and other improvements.

4. Kazakhstan is committed to a course that is consistent with the traditions and principles of the OSCE. Kazakhstan has benefited from the organization's core principles, and has developed a clear understanding of the strengths and usefulness of the various OSCE institutions and their practices. Kazakhstan's advance through political reforms has taken a unique path—a path determined by the culture and history of the Kazakhstani people. It is that culture and history that will anchor Kazakhstan's independent vision for and leadership of the OSCE.

5. Kazakhstan enthusiastically supported the establishment of the three CiO Personal Representatives on religious tolerance, for Anti-Semitism, for Muslims and for Christians and Other Religions. While there is room for introducing greater effectiveness and accountability into the work of these Personal Representatives, they represent a critically important set of the principles on which the OSCE was founded: freedom of religion and religious tolerance. Kazakhstan's record in promoting these principles within Kazakhstan and internationally is exemplary. Indeed it has on two occasions hosted the Congress on World and Traditional Religions, bringing together religious leaders of all faiths from around the world, to promote religious freedom. Kazakhstan strongly supports the extension of the mandates of these representatives for the term of the next CiO, and will do so should Kazakhstan be granted the opportunity to lead this organization in 2009.

6. Kazakhstan is proud to promote its highly successful experience with economic reform as a model in the OSCE. Its liberalized market economy is producing a vibrant commercial sector and now boasts a banking sector that could become a regional and international banking center, patterned on those in Dubai and Singapore.

7. Kazakhstan is an active member of the group of 31 Landlocked Developing Countries, a UN group that established a relationship with the OSCE under the Belgian chairmanship. Kazakhstan intends to promote several issues of importance to both organizations should it be selected to chair the OSCE, using as a framework the Landlocked Developing Countries' Almaty Plan of Action adopted at its last conference.

8. An issue of increasing importance to OSCE's member territory is that of Eurasian continental transit and transport corridors. Kazakhstan contends that OSCE support for their development will underpin efforts to liberalize economies and to enhance market access for countries' produce and production. Second, climate change issues are more severe in landlocked countries. Kazakhstan announced several initiatives at the September 2007 UN Conference on Climate Change, including establishment of a Eurasia Water Center and a Solar Center for Renewable Resources and Sources of Energy.

9. The environment is also an area in which Kazakhstan excels and plans to lead the OSCE to continue its programs. Kazakhstan is already well known for its work to clean up the nuclear testing sites of the Soviet era and to work to overcome the environmental disaster perpetrated on the Aral Sea with imaginative and aggressive programs that are resulting in the return of the fishing industry to part of that inland sea. Further, Kazakhstan endorses the Spanish chairmanship's priorities on rational and effective water management and its fight against land degradation and soil contamination.

10. Kazakhstan has now reached the level of a middle income country. It now ranks as an emerging donor state. Kazakhstan remains prepared to continue to co-finance non-budgeted OSCE projects, as it does now for the Kyrgyz Republic.

11. It is Kazakhstan's belief that continued work in this dimension serves to support the goals of the human dimension. Kazakhstan takes the strong view that poor economic conditions make a bad partner for democracy.

12. As noted previously, Kazakhstan is a champion of nuclear non-proliferation, and has been since it renounced the world's fourth largest stockpile of nuclear warheads at the breakup of the Soviet Union. With 500 nuclear tests having been conducted on its territory, Kazakhstan knows only too well the dangers of nuclear testing and proliferation. It is among the states most adamant that nuclear materials not fall into the hands of non-state actors and plans to lead initiatives in the OSCE's Security Dimension aimed at solidifying export control regimes.

13. Kazakhstan noted in speech at the Special Meeting of the OSCE's Permanent Council that the build-up of the organization's effectiveness in the architecture of Eurasian security is a goal for Kazakhstan. There is no doubt that regional stability and the fight against international terrorism are goals that are shared by among all OSCE Member States. Kazakhstan will work with Member States to further these goals.

14. Afghanistan is an OSCE Partner State that lies next door to the Central Asian Member States. Its close proximity warrants extra attention from the OSCE. Thus, Kazakhstan will support extending the work of the OSCE Field Missions to Afghanistan where border security, border management, police training and assistance for the 2009 elections could be useful. The scourge of narcotics trafficking makes enhancement of border control capabilities even more urgent.

15. Kazakhstan also believes that activities in the security dimension serve to support continued progress in the human dimen-

sion—the dimension where it will focus its energetic efforts. It is appropriate to lend the prestige of the OSCE to address any emerging conditions of uneven stability in this region. Kazakhstan pledges to lead this effort effectively should it become CiO.

To conclude, Kazakhstan is among the countries in the OSCE that are now making gradual progress in economic, political, social and military reforms. This progress has succeeded while keeping the social and economic fabric of the country intact, allowing Kazakhstan to emerge as a financial center and leader in market reforms in the region.

Kazakhstan assures the Member States that Kazakhstan's leadership and commitment to OSCE ideals has prepared it to lead the organization and to participate in a positive, collaborative way in the OSCE.

It is our belief that the Member States are prepared to take this wise and bold step and elect a state as CiO that is in the process of implementing the principles of the OSCE, so that it can use this expression of trust to continue its movement toward fulfilling the full set of OSCE goals—and lead other countries along the reform path. Doing so certainly strengthens this important regional organization and gives encouragement to all countries that are still working hard—that their efforts are appreciated and recognized.

Kazakhstan highly values broad cooperation with the OSCE and its institutions and views it as an important tool and facilitator for the country's ongoing economic and political growth. The support for Kazakhstan's 2009 chairmanship bid will further encourage this growth and provide many more new opportunities for cooperation to jointly promote shared values and OSCE standards throughout our region.

Thank you very much.

**DAVID A. MERKEL, FORMER DIRECTOR FOR EUROPE AND
EURASIA, NATIONAL SECURITY COUNCIL**

I would like to thank Chairman Hastings, Co-Chairman Cardin and the members of the Commission for this opportunity to meet with you today. Having previously worked as Senior Professional Staff for Europe and Eurasia with the Senate Foreign Relations Committee, I am well aware of the importance of this Commission and applaud you for examining Kazakhstan's bid to be Chairman-in-Office of the Organization for Security and Cooperation in Europe (OSCE) today.

I would like to start my testimony with the indisputable fact that Kazakhstan has not held an election that the OSCE has found to meet international standards. Despite this, I believe that it is in the interest of Kazakhstan, Central Asia, the United States of America and the OSCE for Kazakhstan to be named as Chairman-in-Office for 2009 at the 15th OSCE Ministerial this November 29-30th in Madrid.

BACKGROUND

After the break up of the Soviet Union I would talk with friends of mine from Central Asia and express to them the interest and importance that the United States places in the region. They would politely listen and then inform me that the U.S. was fickle and far away and that our interest would wane, and until September 11, 2001 they were largely correct. But on that day we learned that instability anywhere could have a direct national security impact on the United States. This is not to say that there were not those in the U.S., including myself and members of this Commission's staff, who did pay attention to Central Asia. The first wave of interest was from those looking to assist former Soviet Republics, including those in Central Asia, in their transition to a free market economy with a multi-party democracy. Later, greater focus was placed on exploiting hydrocarbons in the Caspian Basin and after 9/11 security and Operation Enduring Freedom (OEF) in Afghanistan took a more prominent role.

Energy, Security, and Liberty still form the crux of our interest in Central Asia and Kazakhstan today. How can we best pursue our interests of diversifying global sources of energy, enhancing ours and the regions security and cooperation in the war on terrorism and promote economic and political reform. Additionally, how can we do this in a region where some of the neighbors who are very actively engaged (Russia, China and Iran) do not see democracy promotion as anything more than a destabilizing effort and have no interest in seeing Central Asian Energy reach global markets other than through a reliance on them for its transportation.

While I was on the National Security Council staff at the White House, the President spelled out our interests in his National Security Strategy of 2006.

"Central Asia is an enduring priority for our foreign policy. The five countries of Central Asia are distinct from one another and our relations with each, while important, will differ. In the region as a whole, the elements of our larger strategy meet, and we must

pursue those elements simultaneously; promoting effective democracies and the expansion of free-market reforms, diversifying global sources of energy, and enhancing security and winning the War on Terror.”

KAZAKHSTAN

While the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR) report on the last Parliamentary Elections concluded that the elections did not meet international standards, it did indicate that improvements were made over previous elections including citing important improvements with the Central Election Commission (CEC). I have observed many elections in Eurasia with the National Democratic Institute (NDI), the International Republican Institute (IRI), and with the OSCE and believe that the OSCE–ODIHR provides a valuable service to member countries. While I would not quibble with the conclusions reached by the OSCE, I do think it important to make a couple of points to you today.

Kazakhstan is a country still in transition. If the Chairman-in-Office post needs to go to a country with an established tradition as a functioning democracy, this has never previously been spelled out and will have the undesired affect of creating two classes of OSCE members. Kazakhstan is a country that respects diversity, both religious and ethnic, and where its youth by and large are excited about their future in Kazakhstan. This stands in contrast to many of the other countries in Central Asia. Also, despite the fact that the December 4, 2005 Presidential and the recent Parliamentary election did not meet international standards as judged by the OSCE–ODIHR, it is without question that the election results reflect the will of the people. President Nazarbayev and Karim Massimov, as the first Prime Minister approved by the Parliament, have a clear and unequivocal mandate as the countries legitimate leaders.

REGIONAL ARCHITECTURE

One of the difficulties in Central Asia is the lack of appropriate regional architecture. For European nations who found themselves on the wrong side of the Iron Curtain or those in the Baltic, there was the aspiration of NATO and European Union membership to attract them to a future of shared values and common security. In Central Asia there are several multilateral organizations but none that possess the same incentives for domestic reform and external reconciliation that membership in NATO and the EU provided to the countries of Central Europe. In fact, for the most part the organizations that today are viewed as more relevant for the Central Asian Republics are dominated by Moscow or Beijing. The Commonwealth of Independent States (CIS) and the Shanghai Cooperation Organization (SCO) which both sent election observers to the last election in Kazakhstan, do not include European or U.S. membership and do not promote the same common values.

This is why organizations such as the OSCE and the European Union need to be seen as more relevant in Central Asia. But if Kazakhstan, which is viewed by most as the country in Central

Asia with the greatest international weight, is not acceptable to the OSCE, then the countries of the region may believe what they are told by Moscow and Beijing, which is that they will never be accepted by Europe or the United States and are seen only as “the Stans.”

IMPORTANT FOR THE OSCE

Unfortunately, the vast majority in Central Asia do not see the OSCE or Europe for that matter as very relevant to them. Most OSCE members do not have Embassies in Central Asia. In fact, Germany is the only EU member with Embassies in all five of the Central Asian capitals. The OSCE only comes up in diplomatic dialogue when a diplomat cites an OSCE report when criticizing a country’s democratic transition. The Government, elite and population are often unaware of what benefits membership provides them and their country’s future. This has to be changed. Many in Vienna and in Washington believe that the OSCE’s future is the South Caucasus and Central Asia. They see the need and opportunity of expanding stability and personal liberties to the millions of primarily moderate Muslims in Central Asia. I do not believe that you can hold this view and be against Kazakhstan’s candidacy. If the OSCE were to reject Kazakhstan in Madrid it would be sending a message that Europe and European values are not Central Asia’s future at the time when we need to be providing an example of what their future could be provided they have additional options rather than a reliance on Moscow and Beijing.

MOVING FORWARD

The OSCE has 56 members. Only 3: the United States, the United Kingdom and the Czech Republic oppose Kazakhstan’s bid. This means that allies such as Germany, Romania, Georgia and 50 others support Kazakhstan’s ambitions. One argument put forward on why Kazakhstan should not be Chairman-in-Office is that they would be beholden to the Kremlin for the office and would therefore support Moscow’s efforts to weaken the organization. This would be plausible if Moscow were one of Astana’s only supporters but it does not hold up given the breadth of Kazakhstan’s support which includes support from countries with their own difficulties with Russia. Another stated argument is that because Kazakhstan does not itself have a fully developed democratic tradition, it will be unable or unwilling to be critical of other countries. But this has always been the case. Countries have differed on how active they have been in their comments on election procedures which is why the independence of the Office for Democratic Institutions and Human Rights (ODIHR) who conduct the election observation is so important. Another argument at times expressed on why Kazakhstan should not be Chairman has to do with questions of the professionalism and depth of their foreign ministry—can they do the job? Without question Kazakhstan’s foreign ministry is up to the task but as we have seen with recent Chairman-in-Office some, as was the case with Norway, utilize their foreign ministry to advance their goals while in office. While others, as was the case with Bulgaria, rely more on the OSCE Secretariat to carry on the

functions of Chairman-in-Office. The Troika consisting of the previous, current and future Chairman-in-Office also ensures this will not be an issue.

This decision will be reached by consensus of the members this November in Madrid. 53 member states have already expressed their support and if the United States blocks Kazakhstan, I am sure that one of these countries will block whomever we would suggest as Chairman for 2009. In my view Kazakhstan will be successful in reaching their goal and I would like them to see that they have done so with the assistance of the United States and not in spite of our opposition. I believe that our support is the right decision to best advance our goals in Central Asia and the right decision in the spirit of consultation with our allies.

In just 15 years, President Nazarbayev has ensured the independence and stability of Kazakhstan's borders. This despite the fact that at independence, a minority of the population were ethnic Kazakhs and a majority ethnic Russian. He demonstrated leadership and wisdom in his decision to make Kazakhstan the first country after the break up of the Soviet Union to voluntarily relinquish what was the fourth largest nuclear arsenal. He has created an economic engine that is bringing an increased quality of life, better education and health services to more and more Kazakhstani citizens. Kazakhstan is an exporter of stability in a region that is still too unstable. Despite the fact that many would like to see an acceleration of the pace of democratic reform, the government is moving in the right direction and has the support of a large majority of the population.

Finally, to my knowledge, a majority of the major opposition figures in Kazakhstan support the government's OSCE goals. They do so for two main reasons. First, national pride, they would like to see their country on a larger stage, taking on a greater role in the international community and second, they believe that being Chairman-in-Office will place a greater spotlight on Kazakhstan and help them in addressing issues they believe are important to them and Kazakhstan's democratic future.

I appreciate this opportunity, thank you for your attention and I look forward to answering your questions.

**ROBERT HERMAN, DIRECTOR OF PROGRAMS, FREEDOM
HOUSE**

Mr. Chairman. Let me begin by thanking you for the opportunity to testify today on behalf of Freedom House on the important issue of Kazakhstan's bid to become Chairman-in-Office (CiO) of the Organization for Security and Cooperation in Europe (OSCE). Freedom House recognizes that Kazakhstan is a country of consequence, a major energy exporter that has long cooperated with the United States on security issues, including the removal of the nuclear weapons and materials it inherited from the USSR. Freedom House also recognizes that Kazakhstan has made some progress in the area of human rights and democratic reform during the past few years as the government has simultaneously pursued its bid to head the OSCE. On October 1, we issued a statement on Kazakhstan's recent signing of optional protocols to international conventions on civil and political rights and on combating torture, which followed a long advocacy campaign by a number of dedicated Kazakhstani human rights organizations. The statement called the Kazakhstani action an encouraging first step, while also noting that the onus is now on the Government of Kazakhstan to implement these protocols.

It is our hope that one day Kazakhstan will develop into a fully democratic country. Unfortunately, that has not yet happened. As chronicled by Freedom House in its annual global survey of political rights and civil liberties, *Freedom in the World*, Kazakhstan is a solidly authoritarian country that has none of the fundamental features of a democratic society such as free and fair elections, opposition political parties able to compete for power, an independent judiciary, robust civil society, free press, and safeguarding of basic human rights. Kazakhstan falls far short of meeting its OSCE commitments in these regards. For these reasons, Freedom House believes strongly that the United States and other OSCE participating states must oppose Kazakhstan's bid to chair the OSCE in 2009.

The OSCE played a historic role in the fall of the Iron Curtain and the peaceful end of the Cold War. Since then, it has continued to play a significant role, particularly in promoting human rights and democratic reform in Europe and Eurasia. Today, however, the OSCE finds itself under attack, including from the governments of some participating states that seek to prevent the organization from shining a spotlight on their failure to respect their citizens' basic civil and political rights. If these governments succeed it will be a severe blow to the universal desire for freedom and damage efforts to create a Europe democratic, whole and free. To settle for a Chairman-in-Office—such as today's Kazakhstan—that falls so far short of international norms in terms of respect for its own citizens' basic rights and that flouts OSCE standards, would profoundly weaken the organization's work in support of democratic governance across the region.

THE IMPORTANCE OF THE OSCE

The OSCE traces its heritage to the Helsinki Final Act of 1975 and the creation of the Conference on Security and Cooperation in

Europe. The Soviets thought the Final Act a major victory, in that it included the principle of respect for the territorial integrity of states. In their minds this enshrined their long cherished position that the post-war map of Europe was final. What they failed to understand was the transformative potential of the Third Basket on human rights. After agreeing to the Final Act, the Soviet Union could no longer claim that Western efforts in support of human rights in the USSR and the countries of the Warsaw Pact constituted an illegitimate interference in those countries' internal affairs. This paved the way for the CSCE review conferences of the 1980s and early 1990s and the formation of Helsinki Commissions in Prague and Moscow (and solidarity groups in the West), which labored heroically to hold their governments accountable for the commitments they made under the human rights basket. The inspired work and dedication of many people involved in this process, including Freedom House Chairman Emeritus Ambassador Max Kampelman, who headed the U.S. delegation to the review conferences, focused international attention on the human rights situation in the USSR and Eastern Europe and helped spur the collapse of communism. Over the years, the CSCE/OSCE also contributed to peace and security, particularly in the area of controlling conventional armed forces in Europe.

A strong OSCE, one capable of carrying out its mandates in the security, economic and human dimensions, is still very much in the interest of the United States and our European allies. The OSCE was pivotal in exposing as fraudulent the initial results of the 2004 Ukrainian presidential election, and in negotiating the agreement that paved the way for a new election that truly reflected the will of the people. It has done admirable work in the Balkans and the Caucasus trying to resolve conflicts and assisting in post-conflict reconstruction. The OSCE also provides a valuable forum for discussing pressing issues such as anti-Semitism and other forms of discrimination. To ordinary citizens across Europe and Eurasia, OSCE has been instrumental in strengthening democratic practices and safeguarding human rights. It is also viewed as a model for regional organizations elsewhere around the world that have as part of their mandate the advancement of democracy and human rights.

RECENT ATTACKS ON THE OSCE'S ROLE IN SUPPORTING DEMOCRACY AND HUMAN RIGHTS

For many years now, a number of OSCE participating states—Kazakhstan among them—have expressed their displeasure with and attempted to impede the organization's core work. For example, these countries opposed the establishment of large OSCE field missions in Bosnia-Herzegovina and Kosovo that served to constrain Serbian ambitions and they criticized the closing of OSCE field missions in Estonia and Latvia, claiming those countries were not meeting OSCE standards for treatment of their national minorities. But the main reason for these governments' attacks on the OSCE is their unease over the organization's efforts to strengthen democratic governance and in particular its role in monitoring elections and promoting advances in human rights in their countries.

In July 2004, the leaders of the member states of the Commonwealth of Independent States (CIS)—again, including

Kazakhstan—issued a statement sharply critical of the OSCE. This statement claimed, in part, that the OSCE had “been unable to adapt itself to the demands of a changing world” and that it pursued “double standards,” devoting too much attention to human rights and democracy in the countries of the CIS and the Balkans, while ignoring problems elsewhere in the OSCE region. The statement pointedly attacked the OSCE Office of Democratic Institutions and Human Rights (ODIHR), arguing that its election monitoring was “frequently politicized and does not take into account the specific features of individual countries.” The joint statement charged that OSCE field missions in the CIS were “ineffective” and that instead of fulfilling their mandate “to provide assistance to the government of the host state,” they concentrated “exclusively” on the human rights situation and criticized their hosts’ domestic political situation in an “unwarranted” manner.

In April 2005, a meeting was convened in Vienna to air the concerns of those participating states that were displeased with the OSCE’s work. A senior member of one delegation put these countries’ case bluntly when he told the press that: “Unfortunately, the institution of international monitoring [of elections] today is changing from an instrument assisting countries in implementing the principles of democracy into an instrument of legitimizing political decisions which concern the state of international relations with a given country. We see in this a departure from the goal of ensuring the citizens’ rights to participate in the electoral process. Instead, the emphasis is being placed on the political participation [by other countries] in the internal affairs [of the monitored state].” In other words, the leaders of these countries are concerned that, as was the case in Ukraine, OSCE exposure of fraudulent elections could lead to the kind of “color revolutions” they fear.

Considering this criticism, it is instructive to look at the track records of OSCE and CIS teams that have monitored elections in CIS member states. OSCE monitors have frequently documented serious shortcomings and judged that many of these elections fell far short of international standards. The only time CIS monitors found an election in the region did not meet international standards was after President Yushchenko’s victory in the re-run of Ukraine’s presidential election in 2004. In distinct contrast, the then-head of the OSCE Monitoring Mission stated: “The people of this great country made a great step forward to free and fair elections by electing the next president of Ukraine.” This episode underscores that OSCE’s crucial role as an independent election monitor is under threat from several participating states, which are also members of the CIS. These governments are seeking to require that the OSCE Permanent Council (PC) approve all ODIHR election monitoring reports. As all decisions at the PC are achieved through consensus, this would give each participating state the ability to veto ODIHR’s assessment of elections in that country.

KAZAKHSTAN IS NOT READY TO BE CHAIRMAN-IN-OFFICE

If OSCE’s credibility and effectiveness in support of democracy and human rights is to be maintained in the face of concerted efforts to weaken the organization, it is essential that the Chairmanship be held by a country that fully meets and is demonstrably

committed to OSCE standards in the sphere of political and civil rights. The Chairman-in-Office is key to setting the course for the organization over the year, beginning with the incoming CiO's annual speech setting out the country's priorities for its chairmanship and ending with the annual Ministerial Meeting, which the CiO organizes and hosts. In between, the Chairman's representative in Vienna—his or her country's Ambassador to the OSCE—organizes and chairs the weekly meetings of the Permanent Council. The CiO also makes key personnel appointments. As Freedom House Executive Director, Jennifer Windsor, and her colleagues from the International League for Human Rights, Global Rights, Human Rights First, the Jacob Blaustein Institute for the Advancement of Human Rights, Human Rights Watch, Minnesota Advocates for Human Rights and Physicians for Human Rights wrote in their September 21, 2007 letter to Secretary of State Condoleezza Rice, "Due to the Kazakhstan government's poor record on democracy, we believe that its chairmanship will be a disaster for the OSCE's ability to be a guarantor of human rights among its member states and that the U.S. should therefore continue to oppose it." Freedom House describes Kazakhstan as "Not Free" in its annual survey of political rights and civil liberties, *Freedom in the World*. Never in the history of the OSCE has a "Not Free" or even a "Partly Free" country served in this capacity.

When Kazakhstani State Secretary Kanat Saudabayev made his country's case for the Chairmanship before the Permanent Council in Vienna on September 20, he noted that the OSCE's preliminary analysis of parliamentary elections in Kazakhstan on August 18, 2007 states that this year's elections "reflected welcome progress in the pre-election process and during the conduct of the vote." He also stated that, "Seven political parties were battling for the electorate's votes. These parties presented their programmes for the development of the State and, most importantly, had absolutely equal opportunities to conduct their electoral campaign." Mr. Saudabayev further claimed that local authorities did not use what he himself described as their "notorious administrative resources" to affect the outcome of the elections.

Both of these assertions run counter to the facts of what took place during the campaign and on election day. In fact, the elections were heavily manipulated, resulting in the ruling Nur-Otan party winning every single seat in the parliament. While emphasizing that the OSCE's preliminary analysis indicated that these elections were a step forward, Mr. Saudabayev conveniently forgot to mention the next phrase in the report's opening sentence, namely that "a number of OSCE commitments and Council of Europe standards were not met." In her intervention before the OSCE Permanent Council on September 6, U.S. Ambassador Julie Finley stated that the U.S. Government agreed with the OSCE monitors in negatively assessing "the transparency of the vote count in over 40 percent of the polling stations visited; preferential treatment of the ruling Nur Otan party by authorities and government-controlled media; and restrictive legal provisions that limited the right to seek public office, established a high vote percentage threshold for representation in the Mazhilis, and provided for parties to

choose which candidates would become members of parliament only after the election.”

In its statement on the elections, Reporters Without Borders noted that: “There were many cases of pressure, self-censorship, violations of electoral legislation and bias in favour of the ruling party (now the only one in parliament) at the opposition’s expense.” The statement continues, “A country where press freedom stops whenever the authority of the president and his party is challenged is not fit to head an organization such as the OSCE that defends democratic values. Despite this year’s electoral reforms, the way the election was held has reinforced our fear that they were just window-dressing designed to win the support of the western countries.”

The flawed parliamentary election this past August is merely the latest example of a long-standing pattern of national elections that have failed to meet accepted international standards. Indeed, Kazakhstan has never had an election judged to be up to international standards by impartial monitors. Few if any of the essential pre-conditions for such an election are in place. In addition to the demonstrated lack of political will on the part of the government, severe limits on and harassment of political opponents and a lack of independent media and robust civil society have precluded the possibility of elections that meet international standards.

But the electoral arena is by no means the only area where Kazakhstan still falls far short of international norms. Another major deficiency in the field of political rights was the promulgation of a constitutional amendment this spring that allows President Nazarbayev to be re-elected indefinitely. In our annual report *Freedom in the World 2007*, we also noted that:

Political violence established a disturbing presence in Kazakhstan in 2005–2006. In December 2005, the authorities ruled the death of opposition leader Zamanbek Nurkadilov a suicide, even though he was found dead in his home with two gunshot wounds to the chest and one to the head. In February 2006, Altynbek Sarsenbayev, a leading member of For a Just Kazakhstan, was found shot to death along with his bodyguard and driver. The subsequent investigation pointed to the involvement of state security officers in the killing, but left many questions unanswered. The trial, which was marred by claims that confessions had been coerced, culminated in the sentencing of Yerzhan Utembayev, former head of the Senate administration, to a 20-year prison term for organizing the murder. Prosecutors said Utembayev had been acting on a personal grudge, but conflicting theories implicating higher government officials were aired by trial witnesses and the opposition.

The report also noted that while the constitution provides for freedom of the press, the government has repeatedly harassed or shut down independent media outlets through measures including politicized lawsuits and confiscations of newspapers. Despite constitutional guarantees, the government imposes restrictions on freedom of association and assembly, while the judiciary is subservient to the executive branch. There are also issues in the area of respect for religious freedom. Just this summer, Kazakhstani authorities demolished two dozen homes of Hare Krishna believers.

In conclusion, Mr. Chairman, let me stress that Freedom House fully understands Kazakhstan's strategic importance as a major oil and gas producing nation located in an important geo-strategic region. Freedom House recognizes that Kazakhstan has made slight progress in the area of civil and political rights, including the recent signing of optional protocols to international conventions on civil and political rights and combating torture. But these are only initial steps and they do not offset the enormous body of evidence that Kazakhstan is failing to uphold the principles and values of the OSCE and therefore should not be entrusted with the responsibility or have the privilege of serving as Chairman in Office.

Freedom House joins the many Kazakhstanis who are working towards this goal in hoping that the country may one day evolve into a democratic state. Together with pro-reform citizens in Kazakhstan and beyond, we would welcome that historic development. But given Kazakhstan's poor record on democratic reform and respect for human rights, it is not reasonable to expect that the country will be able to institute the requisite reforms in the near term. In addition to placing at risk the credibility and effectiveness of the OSCE, elevating Kazakhstan to Chairman-in-Office would both remove a powerful incentive to undertake democratic reforms and send a crushing message to the courageous men and women struggling to advance the cause of human freedom in their respective OSCE states and across the world. OSCE is too important an institution to put its leadership in the hands of a country that does not live up to the organization's own standards. Freedom House respectfully urges the governments of the United States and our European allies not to support Kazakhstan's bid to become Chairman-in-Office of the OSCE in 2009.

Attachment—Letter to Secretary of State Rice

September 21, 2007.

Hon. Condoleezza Rice,
Secretary of State,
U.S. Department of State,
Washington, DC 20520

DEAR SECRETARY RICE: We understand that a U.S. decision to concur in the selection of Kazakhstan to preside over the Organization for Security and Cooperation during the 2009 term is imminent. Due to the Kazakhstani government's poor record on democracy, we believe that its chairmanship will be a disaster for the OSCE's ability to be a guarantor of human rights among its member states and that the U.S. should therefore continue to oppose it.

Kazakhstan's anti-democratic record is well-documented. Kazakhstan has yet to hold a national election that meets OSCE standards. President Nazarbayev's sweeping victory in the December 2005 presidential election came against a backdrop of government pressure on the country's civil society and political opposition, charges of electoral fraud, and a highly critical report by poll monitors from the OSCE. The brutal February 2006 murder of opposition leader Altynbek Sarsenbayev highlighted the country's disturbing tendency toward political violence. President Nazarbayev's welcoming of the single-party parliament that resulted from the

August elections as “a wonderful opportunity to speed up our country’s economic and political modernization” speaks volumes to his respect for institutions promoting pluralism.

Over the years, the OSCE has established a respected track record of credibility in election monitoring and human rights defense. In fact, it is one of the few remaining serious intergovernmental bodies that advocates for democracy and human rights. A Kazakhstan chairmanship would irreparably damage the OSCE’s legitimacy and ability to defend those working on the front lines for democratic change.

In 2005, President Bush said that “one day this untamed fire of freedom will reach the darkest corners of our world.” Kazakhstan is one such dark corner that remains. Rewarding Kazakhstan with the OSCE chairmanship will only serve to assure a solidly undemocratic government that democratic credentials do not matter, while sending a stark message to human rights defenders around the world. At this crucial time, the countries of Europe cannot afford to ignore the defense of liberty and human rights, nor can the U.S. We strongly urge that the United States government reconsider this tacit endorsement of Kazakhstan’s bid.

Sincerely,

ROBERT ARSENAULT,
President, International League for Human Rights.

MR. SALIH BOOKER,
Executive Director, Global Rights.

MS. MAUREEN BYRNES,
Executive Director, Human Rights First.

MS. FELICE D. GAER,
*Director, Jacob Blaustein Institute for the Advancement of
Human Rights.*

MR. TOM MALINOWSKI,
Washington Advocacy Director, Human Rights Watch.

ROBIN PHILLIPS,
Executive Director, Minnesota Advocates for Human Rights.

LEN RUBENSTEIN,
President, Physicians for Human Rights.

MS. JENNIFER WINDSOR,
Executive Director, Freedom House.



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