

**APPROACHING THE OSCE CHAIRMANSHIP:
KAZAKHSTAN 2010**

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

MAY 12, 2009

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COMMISSIONERS

	Page
Hon. Benjamin L. Cardin, Chairman, Commission on Security and Cooperation in Europe	1
Hon. Alcee L. Hastings, Co-Chairman, Commission on Security and Cooperation in Europe	2
Hon. Christopher H. Smith, Ranking Member, Commission on Security and Cooperation in Europe	3

MEMBERS

Hon. Eni F.H. Faleomavaega (D–At Large) a Delegate in Congress from the Territory of American Samoa	35
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WITNESSES

Göran Lennmarker, former President, OSCE, Member of Riksdag	5
Hon. George A. Krol, Deputy Assistant Secretary for South and Central Asian Affairs, U.S. Department of State	6
H.E. Erlan Idrissov, Ambassador of the Republic of Kazakhstan to the United States	17
Yevgeny Zhovtis, Director, Kazakhstan International Bureau for Human Rights and Rule of Law	22
Eric M. McGlinchey, Assistant Professor of Government and Politics, George Mason University	25

APPENDICES

Prepared statement of Hon. Benjamin L. Cardin	40
Prepared statement of Hon. Alcee L. Hastings	41
Prepared statement of Hon. Eni F.H. Faleomavaega	42
Prepared statement of Hon. George A. Krol	44
Prepared statement of H.E. Erlan Idrissov	48
Prepared statement of Yevgeny Zhovtis	52
Prepared statement of Eric M. McGlinchey	55

IV

	Page
Written material submitted for the record by the Embassy of Kazakhstan in Washington, DC:	
Kazakhstan's Steps Forward on the Path to Democracy	58
Kazakhstan's Preparation for OSCE Chairmanship in 2010	62

APPROACHING THE OSCE CHAIRMANSHIP: KAZAKHSTAN 2010

May 12, 2009

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

The hearing was held at 10 a.m. in room SVC 208/209 Capitol Visitor Center, Washington, DC, Hon. Benjamin L. Cardin, Chairman, Commission on Security and Cooperation in Europe, presiding.

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

Members present: Hon. Eni F.H. Faleomavaega (D-At Large) a Delegate in Congress from the Territory of American Samoa.

Witnesses present: Göran Lennmarker, former President, OSCE, Member of Riksdag; Hon. George A. Krol, Deputy Assistant Secretary for South and Central Asian Affairs, U.S. Department of State; H.E. Erlan Idrissov, Ambassador of the Republic of Kazakhstan to the United States; Yevgeny Zhovtis, Director, Kazakhstan International Bureau for Human Rights and Rule of Law; and Eric M. McGlinchey, Assistant Professor of Government and Politics, George Mason University.

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

Mr. CARDIN. Well, let me welcome you all to this meeting, hearing of the Helsinki Commission. This is actually our third hearing in regards to Kazakhstan, and we welcome particularly our special guest, Mr. Lennmarker, who is our colleague and friend from Sweden. He is the former President of the OSCE Parliamentary Assembly, and he is Chair of the Foreign Affairs Committee in the Parliament of Sweden. It's wonderful to have you with us. I knew he was in town, so I invited him to sit with us at the dais. He is a great friend of the U.S. Helsinki Commission, a real leader, along with Alcee Hastings, of course, who's also a former President of the OSCE Parliamentary Assembly. We have a lot of talent at the front with Chris Smith. So I appreciate them all being here today. We welcome them.

This is, as I said, our third hearing in regards to the Kazakhstan's efforts to implement the commitments that they made in assuming the chair of the OSCE, which will take place in

January 2010. It will be the first leader from a Central Asian country to take on the Chair of the OSCE and we're all looking forward to that.

In seeking the Chair, certain reforms, promises were made. The Foreign Minister at a meeting in November 2007 in Madrid made very specific commitments of reforms that would be implemented in Kazakhstan in preparation to taking on the leadership responsibility within the OSCE. I'm sure my colleagues from the Commission remember the meeting we had with the President of Kazakhstan when we were in Astana last year. We were very clear about our concerns, and we were concerned to hear from the president the way that he said that it would be difficult for Kazakhstan to move faster than its two giant neighbors, if you recall, China and Russia. Which again raised, I think, a blinking light for us as to perhaps there was concern as to the continued progress in Kazakhstan moving on to become the Chair.

So we want to continue our examination of the progress that has been made. Kazakhstan's record this past December, they did pass a legislative package and I hope we'll have a chance to talk about that package. There have been concerns raised by the human rights activists. I must tell you there was also concern in a speech given by the speaker of the Kazakhstan legislature, who told the director of ODIR that certain ODIR recommendations, and I quote, "cannot be taken into account fully due to the specifics of our country," end quote.

I'm not exactly sure what that comment meant, and perhaps we can get further clarification during today's hearing.

We have a really distinguished panel before us, including our good friend, the Ambassador to the United States from Kazakhstan, who is truly a good friend, who has been very helpful in providing information to us. Kazakhstan's been an ally to the United States in many issues, so we are very much looking forward to the continued progress in the OSCE as far as the evolution of power. So with that in mind we look forward to all of our witnesses' testimony today.

If I can, at this point I'll turn it over to the Co-Chair, Mr. Hastings.

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

Mr. HASTINGS. Thank you very much, Mr. Chairman. I commend you on holding this hearing, and as you know I've long been involved with Kazakhstan and was a staunch supporter of Astana's candidacy to Chair the OSCE. I'll wait for Ambassador Idrisov to get himself seated there.

Mr. CARDIN. Mr. Ambassador, I just said some nice things about you, but we'll get you a copy of the comments. [Laughter.]

Mr. HASTINGS. I urged the U.S. Government to back Kazakhstan's bid and was gratified when Washington joined the other capitals to make Kazakhstan the first country from among the former Soviet states to lead the OSCE. Now, I was never blind to the problems with Kazakhstan's record on the democratic infrastructure, and certainly of human rights. Over the years I've met

with many human rights activists, both here and in Kazakhstan to discuss these issues.

I also, having been one of the monitors, was well aware that OSCE monitors have yet to bless an election in Kazakhstan as free and fair. But I believe in inclusive as a general principle and as a means of attaining goals. My position was and is that the OSCE would be worse off if Kazakhstan's bid was turned down than if a Central Asian country with a less than perfect record became chair in office. I suppose reasonable people can differ about this, but I stand by my position, with the acknowledgement that not all of my hopes have been validated.

Nevertheless, I also believe that promises are meant to be kept. I was in Madrid in November '07 and listened to Foreign Minister's Tazhin's speech in which he made specific pledges of reforms. In fact, Minister Tazhin was here in Washington recently and I regret that our schedules didn't permit us to discuss in person any of the issues. Had we met, I would have told him that to judge by a careful conclusion of human rights groups, the reform package introduced late last year does not go far enough. Some drafts are like that on the Internet, more cause for worry than rejoicing.

In only half a year Kazakhstan will take up its responsibilities as Chair-in-Office of the OSCE. That's a lot of time. But on the other hand, given the requisite political will in Kazakhstan, it's more than enough time to make the changes that would assuage the concerns of human rights activists and the international community, as well as justify my own faith in the rightness of assuring that Kazakhstan would act in the best interest of the OSCE and the best interest of its people.

Mr. Chairman, I'm equally gratified that our colleague, Göran Lennmarker from Sweden, will join us. He, like you and I and Representative Smith, my good friend from New Jersey, the Ranking Member of the Helsinki Commission, have all been involved in trying to move the ball forward, not only in Kazakhstan but in the OSCE sphere. I personally think that we've taken the right step in that direction, and I have every faith that a year-and-a-half from now we will give accolades to Kazakhstan's efforts as Chair-in-Office. Thank you, Mr. Chairman.

Mr. CARDIN. Mr. Smith?

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

Mr. SMITH. Thank you very much, Mr. Chairman. Thank you for convening this very important hearing. I want to thank as well our friend and colleague from Sweden, Mr. Lennmarker, and congratulate him on an extraordinary service, as you'd say, as the Chairman of the OSCE Parliamentary Assembly. The President did a wonderful job, and thank you for joining us today. It is a privilege to have you at the dais.

And also to welcome Ambassador George Krol, who is a fellow New Jerseyan, and thank him as well for his service, especially as it relates to Belarus during what was clearly a very difficult time 2003 to 2006. You did a wonderful job there in having—like my colleagues, including our distinguished Chairmen Ben Cardin and Alcee Hastings. Belarus has always been one of those areas we've

all focused on energetically. It's the last remaining dictatorship in Europe and we're all united in trying to send a clear message to Lukashenka that he needs to liberalize his very repressive state of policies. And you did a wonderful job there.

Mr. Chairman, in principal we would all like to welcome Kazakhstan's Chairmanship to the OSCE. We all look forward to a day when Kazakhstan and every OSCE participating State deserves the trust of chairing the organization. Unfortunately, Kazakhstan and some in the OSCE are not there yet. While the promotion of human rights, the rule of law, and democracy is at the core of the OSCE's mission, a number of OSCE participating States are tragically deficient in these areas, and Kazakhstan sadly is one of them.

I believe that it should be obvious that states that are not remotely in compliance with their OSCE commitments should not Chair the organization. I argued unsuccessfully that it ought to be a conditionality. Yes, Kazakhstan, when and if they make serious reforms in the realm of human rights. Last night prior to this hearing I re-read the Kazakhstan entry in the U.S. Department of State's country reports on human rights practices and it does not make for good reading. It's very disturbing.

Regarding Kazakhstan, the sad facts are that the Kazakh Government has never held an election that the OSCE could certify as meeting its norms, that every single member of the national Parliament belongs to President Nazarbayev's party. As we all know, in the last election for the lower chamber his party got 88 percent of the vote and every single seat was ascribed to him. Some of them would have went there anyway under the modality that they follow. Kazakh press is not free to criticize the president or those close to him.

In order to hold the Chairmanship, at the 2007 Madrid Ministerial the Government of Kazakhstan promised to implement a series of reforms by 2008, and then it failed to do so. Religious freedom remains a serious problem. Narrowly in 2008, after the Madrid Ministerial, at which Kazakhstan was awarded the OSCE Chairmanship, President Nazarbayev publicly criticized Christian missionaries. He said that such groups should not be allowed to operate freely, and Kazakhstan should, quote, "not become a dumping ground for various religious movements," close quote.

After those remarks reports of police raids and harassment of unregistered and even some registered religious groups increased dramatically. At this point, less than a year from the Kazakh Chairmanship, I believe it's still important that we continue to press Kazakhstan to make meaningful reforms and those especially that were promised at the Madrid ministerial, and that at the same time begin looking for human rights issues where Kazakh Government can exercise helpful leadership.

The Kazakh Government has shown itself open to two of the issues that I've worked on for years to put on the OSCE agenda—human trafficking and the fight against anti-Semitism. I look forward to reaching out to Kazakh officials to discuss what might be done in these areas during their chairmanship to expand that work.

I want to thank you, Mr. Chairman, for continuing the Commission's engagement on these important issues, and again I look forward to our distinguished two Ambassadors who will be testifying.

Mr. CARDIN. Thank you, Mr. Smith. Mr. Lennmarker, would you care to make a comment?

GÖRAN LENNMARKER, FORMER PRESIDENT, OSCE, MEMBER OF RIKSDAG

Mr. LENNMARKER. Thank you, Mr. Chairman, and thank you for inviting me to this hearing. I must say it's a pleasure to be here. I had the privilege of having a hearing myself—was it 2 years ago or 1.5 years ago, being President of the Parliamentary Assembly of the OSCE. I might also say that I very much appreciate the full support from the Members of Congress and Senate of the United States for the OSCE in general and Parliamentary Assembly in particular.

Senator Cardin, and my predecessor Alcee Hastings, certainly have made a great job for the Parliamentary Assembly, as has Congressman Smith, an unrelenting advocate against trafficking and anti-Semitism.

So I must say I'm proud to be here. I think it will be very interesting to listen to the hearing today. Could I also say that I have also been one of those together with Senator Cardin and Congressman Hastings that advocated we should support Kazakhstan as chairman in office of our organization, fully aware, as several have pointed out, of the deficiencies that are there. But I think that is important, for the OSCE is an organization for today 56 members, 2 in North America, 5 in Central Asia, and the rest in Europe. It is an organization that is built on values because that is a deep European experience. You can never achieve security without building it on values. The dark European history points to that.

That is certainly so that our organization must see to it that we keep our values. We can never, ever see that we have an efficient security or human security without these values that we all share and which form the core of our organization. I wish to say that knowing that, I think still it's important that Kazakhstan will be Chairman-in-Office because it shows that we are truly an organization for the whole of the OSCE, including also countries that certainly come from a more difficult background and history than, for example, my own country had peace for 200 years and been a democracy for a very long time.

We must realize that we must also give the opportunity to countries who have a much tougher background, much tough travel to go through. I will say for the whole of the OSCE this is an important signal. Yes, Central Asia, Kazakhstan are a vital part of our organization. We trust that it will do a good work as Chairman.

On the other hand, we of course expect that you keep your word because that is the basic rule in international cooperation, that if we are in the same—if we are friends, we stick to our commitment to each other. We have the right to criticize you, you have the right to criticize us because that is open society, the whole idea. We make it that way. And now of course we will put Kazakhstan in the focus, as it should be and as I know that you are fully aware of from the Kazakh side.

Could I also say that we are proud to have a very active member from the Kazakhstan in our organization, not only the delegation of course but also Speaker of the Senate, Mr. Tokaev, who takes an active part in the Parliamentary Assembly's work, which we really appreciate very much. We look forward to his continued engagement in that. And we certainly are hopeful that we will in 1½ year's time say that the Kazakh Chairman will be a success of the OSCE. Now of course we focus on what will happen from now on before the Chairmanship takes place on the 1st of January next year.

Once again, Senator Cardin, Congressman Hastings, Congressman Smith, thank you for inviting me and thank you for your commitment to the OSCE.

Mr. CARDIN. Thank you very much. It really is a pleasure to have you with us today. Our first witness will be Ambassador George Krol, from Bureau of South and Central Asian Affairs, Deputy Assistant Secretary for South and Central Asian Affairs. Ambassador Krol is a career member of the Senior Foreign Service, rank of Minister-Counselor. He joined the Foreign Service in 1982 and served as U.S. Ambassador to Belarus from 2003 to 2006. He served in overseas postings in Warsaw, New Delhi, St. Petersburg, Moscow, Kiev, Minsk and has held several domestic assignments, including as the Director of the State Department's Office of Russian Affairs, and as a Special Assistant to the Ambassador-at-Large for new independent states. It's a pleasure to have you here today.

HON. GEORGE A. KROL, DEPUTY ASSISTANT SECRETARY FOR SOUTH AND CENTRAL ASIAN AFFAIRS, U.S. DEPARTMENT OF STATE

Sec. KROL. Thank you, Mr. Chairman, Mr. Co-Chairman, members of the Commission; Congressman Smith, my own Congressman, as well as their distinguished guest from Sweden. Thank you very much for inviting me to speak here today. I also want to thank the committee members and all your staff for your interest and continued engagement and leadership on U.S. policy in Central Asia. This Commission has demonstrated exemplary leadership and bipartisan cooperation in forging a strong sustained partnership between United States and I would say all five of the Central Asian countries that are my responsibility, including Kazakhstan.

It is a pleasure to work with you and your Commission, your staff, and the like as we proceed on these very important questions and issues.

Mr. Chairman, I have a prepared text that I would respectfully ask be entered into the record, and if you could please allow me to briefly summarize it and leave plenty of time for questions.

Mr. CARDIN. We would appreciate that. Without objection, all of the witness' formal testimony will be made part of the record.

Sec. KROL. Thank you, sir. The United States-Kazakhstan partnership has three primary goals. First, we seek to advance democratic and market economic reforms. Second, we aim to bolster Kazakhstan's sovereignty and independence to fight terrorism and stem narcotics trafficking, trafficking in persons, and the proliferation of weapons of mass destruction. Third, the U.S.-Kazakhstan

partnership seeks to foster the development of the country's significant resources.

While Kazakhstan has led Central Asia and is one of the leaders in Central Asia in the development of democratic political institutions, civil society and independent media, these institutions clearly remained very under-developed in Kazakhstan. The Presidency dominates the political system and the parliament elected in 2007 has representation from only one political party, the President's.

We regularly encourage the government to take concrete steps toward meeting its own stated commitment to becoming a fully fledged democracy. Our assistance programs promote Kazakhstan's own efforts to develop democratic institutions, respect for religious freedom, and the development of a vibrant civil society and independent media.

Mr. Chairman, as for the subject of this hearing, the United States backed Kazakhstan's candidacy as Chairman-in-Office of the Organization for the Security and Cooperation in Europe. But recognizing its mixed record on political development, we asked Kazakhstan to delay its chairmanship from 2009 to 2010 so that it would have time to undertake several democratic reforms. As has been mentioned, at the 2007 Madrid Ministerial Kazakhstan publicly pledged to pass legislation that would modernize Kazakhstan's election and media laws and liberalize the treatment of political parties by the end of 2008. It also avowed importantly to support the Organization for Security and Cooperation in Europe's Office of Human Dimension and to maintain the autonomy of that office, the Office of Democratic Institutions and Human Rights.

On February 6 and 9 of this year, President Nazarbayev signed into law amendments to the election, political parties, and media laws which were aimed at fulfilling Kazakhstan's Madrid ministerial pledge to undertake reforms in these areas. This legislation does not fully meet OSCE standards, nor does it reflect all of the recommendations suggested by the Office for Democratic Institutions and Human Rights. Nevertheless, we believe that this, and feel that this, legislation marks a step forward on Kazakhstan's path toward democracy.

Furthermore and very importantly, on April 14th of this year, just last month, the Presidential Human Rights Commission unveiled Kazakhstan's first national human rights action plan. This action plan for the period of 2009 to 2012 is now before President Nazarbayev for his signature. And among other proposals this action plan recommends further liberalization to the recently amended laws on elections, political parties, and media. And while it wasn't raised at the Madrid Conference of 2007, religious freedom is a core Organization for Security and Cooperation in Europe commitment, and we are engaging Kazakhstan to protect and improve respect for this important right.

In 2008 the OSCE provided a valuable critique of the restrictive amendments to Kazakhstan's religion law adopted by the Parliament in November 2008. The constitutional council ruled in February of this year that the restrictive amendments violated the constitution of Kazakhstan. We believe Kazakhstan should consult with the OSCE, should it choose to consider a new religion legislation.

In early 2009 Kazakhstan's Parliament also began considering draft legislation that would restrict freedom of expression via the Internet. For Kazakhstan to meet its OSCE commitments to wider and freer dissemination of information, freedom of expression, Kazakhstani law should not restrict freedom of expression by the people of Kazakhstan via the Internet. We expressed this view on May 6th earlier this month at a permanent council of the OSCE in Vienna.

In Vienna also, although Kazakhstan forms a part of the OSCE troika, Kazakhstan has not yet begun to play a proactive role in debates on human dimension issues. We look forward to Kazakhstan's defense of these human dimension principles when it assumes the Chairmanship. We look to Kazakhstan to continue to work toward fulfilling its Madrid Ministerial pledges in cooperation with the OSCE and the Office for Democratic Institutions and Human Rights, and to bring its laws fully in line with all of the OSCE commitments.

We have asked our European partners for help and we have encouraged direct engagement by the Office for Democratic Institutions and Human Rights. As had been mentioned by Co-Chairman Hastings, Foreign Minister Tazhin was in Washington last week for consultations, and Secretary Clinton and the Foreign Minister agreed our government should stay in very close contact as Kazakhstan prepares for its Chairmanship. I can assure you that the United States will continue to work with Kazakhstan to ensure the values and principles of this organization are not only maintained but strengthened.

Looking forward to next year, the United States believes that a successful Kazakhstani Chairmanship of the OSCE would be one in which Kazakhstan defends the human, economic, and political principles upon which the organization was founded, and to which Kazakhstan has committed itself as a participating State. The spotlight will be on Kazakhstan in 2010 to fulfill its commitments to the organization and to itself.

Now, our broader vision is for a strong, independent, and democratic Kazakhstan that is a leader and anchor of stability in the region. We believe Kazakhstan's service as Chairman-in-Office for the OSCE will help serve that broader vision. We hope that together Congress and the administration will continue to support Kazakhstan's efforts to advance its democratic and market economic tendencies as our own United States partnership with Kazakhstan continues to grow and strengthen.

Thank you, Mr. Chairman, and I'd be happy to take your questions.

Mr. CARDIN. Thank you very much, Mr. Ambassador, for your testimony. I think you have expressed the sentiments of our Commission. That is, we are very much interested in a very successful Chairmanship by Kazakhstan in 2010, and they've already started in the leadership structure of OSCE. We find this to be really an aggressive involvement of the OSCE regions in the governments. So we're very much anticipating this as a positive step forward.

We have a responsibility to continue to point out areas in which we think shortcomings need to be addressed, in any OSCE state

but particularly that state which will have the Chair-in-Office. That's the reason for our concern.

There are some positive aspects here that I see that may give us new opportunity. There's been a struggle in the relationship with Russia within OSCE. I think a Kazakh Chair may very well help us in trying to figure out a strategy where we can have a better relationship now. We have very challenging issues with Russia, including what is happening in Georgia and the future of our mission. We have the new security arrangements that Russia has brought forward that will be debated within OSCE and outside of OSCE, and it would be very helpful, I think, for a stronger tie between the United States and Russia as we go into these discussions, and perhaps the chair from Kazakh will help us in that regard.

But I want to just concentrate first on one major concern that I have. With the passage of the laws in December 2008, there is a concern that has been expressed that Kazakhstan may now believe that they've checked that box as far as reform. And that that is now history, it's done, there should be no more discussions about it. As all of us understand, reforms are a matter of continuous progress, that we never really totally achieve all of our objectives, and certainly in Kazakhstan's situation there is internationally recognized need for further progress.

I would just like to get your observations from the meetings with the Foreign Minister that took place in Washington. Do we have a commitment from Kazakhstan to continue to work with their OSCE partners to strengthen the laws as it relates to political participation, as it relates to religious freedom, as it relates to the OSCE principles? And that we can expect that further progress will be made?

Sec. KROL. Yes, Mr. Chairman. I would agree that, as I said in my testimony, that the amendments that had been passed don't fully meet what we would view are the full commitments that would be raised under, as a participating member of the OSCE, and we encourage Kazakhstan to continue to take steps. I think I mentioned as well that the human rights commission and their action plan does envisage further amendments and refinements under law to meet the requirements and commitments as a participating member of the OSCE.

I can assure you that our discussion with Secretary Clinton, with Foreign Minister Tazhin when I was in Helsinki at the last ministerial and met with Foreign Minister Taj and Undersecretary Burns in my conversations with—we have very open and frank conversations with my dear colleague, Ambassador Idrisov here in Washington, that this is no box-checking exercise. This is a step and the steps must continue. And what we have heard from our Kazakhstani partners is they understand that and that they know, and they are committed to moving ahead in taking further steps in their legislation in order to meet their commitments to the entire organization.

So we will continue in our discussions and our close partnership with Kazakhstan, both before they become Chairman, as they become chairman, and after they're Chairman, to assist and to push and to work on this particular issue.

Mr. CARDIN. Could you be more specific as to the primary areas of concern where additional progress needs to be made?

Sec. KROL. Well, I think in the matter of the media law, I think dealing with the decriminalization of libel would be a very important step. And it is good to see that this is in the action plan that Kazakhstan's own human rights commission has put forward there, because these libel issues have caused great problems with independent media, including closing down the newspaper under this and also that these—the libel law—would be retroactively applied as far as removing that as a way of trying to put pressure on independent media. That is a very important step, I think, in the media law.

I think lowering the threshold for political parties so that they would have—more parties would have more of a chance of entering the parliament is another important step. This is also in the human rights commission's action plan, as well as continuing on electoral reform. I mean, they have, actually, a very ambitious program in their own action plan that I think we would welcome that they move on and implement as much of that and even more.

Mr. CARDIN. And my last question deals with Kazakhstan's own activities as far as elections are concerned and the concerns that have been raised by Russia, which are different than the priorities of the United States. Do you see a potential conflict in regards to the election-monitoring function of OSCE with Kazakhstan in the chair?

Sec. KROL. Again, Mr. Chairman, in our discussions with our Kazakhstani partners, colleagues, the Foreign Minister and the like, we understand they are quite aware that as a chairman of an office, that they are responsible to the entire organization and will take into account and work closely with us and other members—participating members of the organization—and how important it is that the autonomy of the Office of Democratic Institutions and Human Rights is. And particularly, we have focused on ensuring that the election monitoring will continue to be objective and that the people that are asked to serve will be objective.

I mean, this is a critical issue of importance to the United States and other members. And the Kazakhstani—our Kazakhstani partners recognize this and have told us that they don't represent the interest of any one country or even as a Chairman, they represent what would be in the interest of the entire organization. And I think Foreign Minister Tazhin made this clear in Madrid and we will continue to ensure that that will remain the case.

Mr. CARDIN. Thank you. Congressman Hastings?

Mr. HASTINGS. Thank you very much, Mr. Chairman. And Ambassador Krol, thank you for being here today, as well as the extraordinary service that you have rendered on our nation in the various capacities that you have served. I have had an opportunity to be a direct beneficiary of your kindnesses and Ambassadorial responsibilities when I was with you in Belarus, and we run into each other in other places, as well.

Trying to put a country in perspective is a very difficult thing to do, not having lived in the country, not understanding every one of the dynamics of its culture. And where I am going with this is, the Soviet Union broke up in 1991 and Kazakhstan, as well as four

other Central Asian countries, came into their own in what must have been a difficult environment that having had an oppressor, for lack of a better expression, or having been controlled by an outside force, that was anathema to the feelings and customs of the countries that were dominated.

So now, 18 years later, we are experiencing one of those countries about to become the Chair-in-Office of 56 countries, including themselves, as well as the larger abroad country that dominated them for so many years. I like to think that in 18 years, Kazakhstan has made some rather considerable progress, notwithstanding all of the things that you point out correctly. But would you not agree that in an 18-year period of time they came far afield in terms of where they started?

Sec. KROL. Yes, sir. I think that having been someone who was in the Soviet Union when it collapsed—I was serving then at our consulate in what was then called Leningrad, now St. Petersburg, and covered the Baltic States at that time when they received their—when the whole Soviet Union collapsed and all of the independent states emerged from them. I, myself, lived through that period and the disruption, the uncertainty and things of that nature and can speak firsthand about how traumatic that was for people throughout the former Soviet Union, what it was like then and going now throughout Central Asia, in particular, into Kazakhstan that there is a big difference, a real big difference, particularly in Kazakhstan, even making it very different from even the rest of Central Asia.

I think that the—even with the criticism that one can have of some of the tendencies, nevertheless, there is a more vibrant civil society. There are—even in the Parliament, the parliamentary committees are debating topics, becoming far more interested and active in their parliamentary system, as well as even in the media. You see there are exposes, discussions of corruption—things that were unheard of in the Soviet period. And I think this is a considerable progress that they have made in the opening up of society.

But I think particularly in education, where when I go into the ministries and the businesses when I travel in Kazakhstan, you see the effects of a commitment to exposing the young generation and educating them outside the Bolashak program that the government has, has really created a new generation of people that understand principles of market economics, of open political societies. And it is very encouraging when I am there to have contact and to hear these people that this is a generation that is being groomed for leadership there. And I think this is why it is important for us to continue to be engaged with this. I can see that, sir.

Mr. HASTINGS. And as you well know, President Nazarbayev has initiated world religious conferences and another to be held at some point in the future. The reason I raise at all—the four of us at this at this dais have been actively involved in anti-Semitism and active involved in anti-racism and Islamofascism or anti-that kind of attitude, as well. Toward that end, do you see an opportunity for Kazakhstan, taking into consideration their deficiencies in the area of religion from a Western perspective, can you see an opportunity for them to advance interreligious activity and to assist

in a larger and broader way in efforts against anti-Semitism that is rising tremendously in Europe, as all of us are mindful?

Sec. KROL. Yes, sir. I think that particularly President Nazarbayev has expressed his own commitment to bringing a bridge of religions—the Islamic world with the non-Islamic world. There have been conferences that have been sponsored in Kazakhstan on this. I think that the issue of anti-Semitism is raised and to combat it. I had a visit from one of the chief rabbis of Kazakhstan who expressed to me—I think he met with you all, as well up here, too—about the progress that is being made on promoting and developing the Jewish community in Kazakhstan, but also beyond Kazakhstan, but throughout Central Asia, in fact, the whole area.

But we have to be vigilant in this because, as Congressman Smith has noted, the issue of dealing with various—maybe one could call them non-traditional denominations—is one that they have to be more open in allowing them the freedoms. And that is why in this law that was being proposed had serious deficiencies in this regard. And I think it was good that the constitutional council said it was unconstitutional. And I think that is a good sign.

Mr. HASTINGS. One final question, if I may, Mr. Chairman. And that is, recently there were remarks attributed to Speaker Tokaev—and here, again, the four of us interface with him regularly in the parliamentary assembly and have—and I join my successor as our president in allowing that it is deeply appreciated, the level of involvement that Kazakhstan has put forward in the Parliamentary dimension. We see it and live it with him.

That said, a statement is attributed to him to the effect of not being able to accept ODIHR's recommendations and that they couldn't be implemented by the specificity of Kazakhstan. What was the U.S. Government's response to that? And in preparation for Ambassador Idrissov, I am going to press him to please give me some better understanding of what Mr. Tokaev is talking about.

Sec. KROL. Well, sir, our feeling is that as a participating member and a member of the OSCE, you take on all the responsibilities and all the commitments of that. There is no first or second-class membership in the OSCE, as you well know. And if you are a member, you take on all of the responsibilities and commitment. And even more so if you are going to be the chairman of the organization and the spotlight is on you to exhibit leadership in that regard. You know, these are solemn commitments by the government as being a member of the organization.

And the issue of specificity and things of that—I mean, many counties mentioned this on it, too, but, you know, a commitment is a commitment if you are a member of it. And that is our position, is that you have the responsibilities, you have the commitments. We want to help you and work with you as we do with any country—within the OSCE, as you know, it is a consensus operation, too—and to do so as a constructive partner in seeing that all of the commitments and push them—not so much as pushing them—but also to advocate that recommendations that are made are made for a purpose and to take them up.

Mr. HASTINGS. Thank you so very much. Thank you, Mr. Chairman.

Mr. CARDIN. Thank you. Mr. Smith?

Mr. SMITH. Thank you very much, Mr. Chairman. Mr. Ambassador, again, thank you for your extraordinary service. Let me just begin on trafficking. The 2008 report, which covers reporting period for 2007, was complimentary of Kazakhstan. It makes the point that the Kazakhstan Government has made significant progress in anti-trafficking law enforcement. The government improved efforts to assist and protect victims during the year and that the government conducted active, public awareness efforts. They point out there were 16 prosecutions in '07, 22 trafficking investigations, so it would appear that they are taking it seriously. But the new report will be coming in about a month. Do you have any sense as to whether or not that progress has been expanded, continues, or has gone in the other direction?

Sec. KROL. Congressman, as you said, the report should be coming out and I think in advance of that, I can say that we believe that Kazakhstan continues to take the issues seriously, continues to address it seriously through all the areas that you had mentioned. And we will continue to work with them and press it. As you know, it is a priority issue for the United States.

Mr. SMITH. Let me just ask you—yesterday—and I think, you know, there are lessons to be learned from what happens in other countries—we recognized and I joined in a rather solemn ceremony. It was Human Rights Day for Vietnam, the 15th annual now. Right before Vietnam won ascension into the World Trade Organization and got PNTR from the United States, many of us believed—and I said it very vocally, including a trip to Vietnam. I met with 60 dissidents in Ho Chi Minh City, Wei, and Saigon. And during the course of that, there was this sense of a sort of a sword of Damocles hanging over the human rights community that as soon as they got the benefit, there would be a snap-back. And there was.

I would note, parenthetically, that a group that absolutely parallels Charter 77, the great organization of which Vaclav Havel was a part of and Father Maly, and this Commission actually met with those members during the worst days of Eastern European—you know, when it was the Warsaw Pact. But Bloc 8406 has a manifesto that looks almost identical to Charter 77. And the signers of that Bloc 8406—a call for universally recognized human rights in Vietnam—those signatories have been dragged into court, have gotten draconian sentences in some cases, after they got all their benefits.

My question is, you know, hopefully—and we saw the same thing with China. We have seen it with other countries. You know, it seems to be that, you know, the reset is a reset in the wrong direction. Now, if Kazakhstan does make some progress—and we are all hoping and praying and pushing for that—the concern is what happens immediately after. And I think we have to be talking about that now because it has happened so predictably in so many other countries where there is a single party rule, authoritarianism. And so we don't have exactly what has happened in Vietnam and elsewhere. How do we make this sustainable, so that, you know, we don't see, like I said, a modest reform only to be eclipsed by very significant regression?

Sec. KROL. Yes, sir. As I mentioned, this isn't a box-checking exercise. This requires sustained, high-level engagement and commitment by the United States and other partners of Kazakhstan to ensure that the progress that it has made continues. And we have gotten the assurances from President Nazarbayev and his entire leadership that they are very conscious of this and that they are doing this in their own interest for their country. But it is mandatory for the partners and friends of Kazakhstan to be vigilant and to ensure that these concerns that you have raised—we have seen, as you said, some other examples on it, too—are not going to happen in Kazakhstan. But we have gotten a clear sense that they are not going to do that.

Mr. SMITH. Mr. Ambassador, as you know, I have introduced a Global Online Freedom Act. It was all ready for floor consideration last year. It got blocked. I believe it was because Google's money and some other money intervened, so it precluded House floor consideration. It focuses primarily on China, Vietnam, Belarus, Kazakhstan. We know that they monitor—they being the government—e-mail.

Can you elaborate or give some insight as to how pervasive the use of monitoring of the Internet, whether or not, like China, there is a censoring of words or phrases that the government finds objectionable, which is done via Google? Or whether or not, like we saw with Yahoo, the e-mail vault of personally identifiable information is routinely opened up to the police so that dissidents and those who operate in opposition find themselves being spied upon. And, you know, if you could speak to that with regards to—

Sec. KROL. Yes, sir. This is an issue of concern. I think I mentioned in my testimony that we are quite concerned about a law on the Internet that is currently being discussed in Kazakhstan. And we have made our position known to Kazakhstan and to others that we would view this as restricting instead of widening media freedom and fundamental freedoms of the people in Kazakhstan. So this is an issue that we raise at all levels with Kazakhstan and so that they know our feelings about the subject.

Mr. SMITH. Mr. Ambassador, we also raised it—what U.S. companies are actually involved in—

[Cross talk.]

Sec. KROL. I would have to check to see which—

Mr. SMITH. Could you and get back to us, if you would?

Sec. KROL. Yes, sir.

Mr. SMITH. And to see whether or not—I say that because Yahoo finally seemed to get it. And in Vietnam, they signed an agreement that puts personally identifiable information outside of the country, so they don't get a replication of all of the jailings of the dissidents as we saw in Vietnam. And hopefully, if they are operating there, they are taking similar precautionary means. So if you could get back to us on that, I would appreciate it.

One final question, if I could, Mr. Chairman. Sarsenbayev and some of the killings that go unresolved—cold cases, if you will—including journalists; what has been the progress on those law-enforcement investigations or lack?

Sec. KROL. Well, we continue to make this an issue of interest to the U.S. Government for the reasons you know. And to get clar-

ity on what happened in these cases and who is taking responsibility for them is, again, an issue on our agenda with Kazakhstan and we continue to press that.

Mr. SMITH. Has there been any progress?

Sec. KROL. I have not seen, sir, that there has been any new leads or progress unless my colleague, Mr. Ambassador Idrissof has any further information.

Mr. SMITH. How many cases are there? How many reporters? I know of the one, especially, but—

Sec. KROL. I would have to check to see how many there are. I know of one there. I think there were also—there were a couple of members, political individuals who had died and there have been also treatment of journalists and things of this nature maybe that have not gone to the extent of deaths, but also of harassments and things like that, which we monitor closely. But we can get back to you with—

Mr. SMITH. I guess my time is up. I will just say briefly that we are joined by Eni Faleomavaega who is the distinguished Chairman on the Foreign Affairs Committee and good friend and fellow human rights supporter. And we also are joined by Matt Salmon, former Member of Congress from Arizona, who served as well with distinction. And Matt, good to see you. Thank you, sir.

Mr. CARDIN. Thank you, Congressman Smith. I appreciate you pointing out that our former colleague and colleague who are with us today. Mr. Lennmarker?

Mr. LENNMARKER. Thank you, Chairman. Could I, as a European, say that our experience in Europe has been over enormously successful, even miraculous, I will say, transformation of many countries out of totalitarianism to democracy to human rights. And of course, the main reason for that is that you had the carrot policy—membership, for example, in the European Union or membership in NATO has played an enormous role, because it helped to stabilize policies in that direction.

We understand, though, that at this moment, like Kazakhstan or Central Asia, the carrot is not there, not as big as that. But nevertheless, this is the process. Is it fair to say that the prospect of Chairmanship in the OSCE has encouraged and supported those forces in Kazakhstan that stands for a, shall we say, a more democratic, more European attitude? From my point of view, has been one of the very important reasons why we so strongly supported the Kazakh Chairmanship-in-Office from the Parliamentary Assembly.

Sec. KROL. Yes, sir. I think that taking on the Chairmanship, as I said, is an honor but it also has a lot of responsibilities, and as I said, the spotlight is on you. And Kazakhstan took this on willingly. It wanted very much to be Chairman. And, you know, we will hope it will be said that they are committed to upholding and strengthening the principles of the organization.

And I think in that respect, this should encourage those in Kazakhstan who are looking for greater freedoms than currently exist to ensure that this Chairmanship will put international attention on Kazakhstan in order to encourage the developments that Kazakhstan itself and its leadership have said that it wants for its own country—not to please anybody outside of Kazakhstan, but to

ensure that its own development—stated development to becoming a fully fledged democracy comes about. And I think this is another step that can move in that direction.

Mr. LENNMARKER. Thank you. Could I also move to another very important area of responsibility for a Chairmanship? That is the unresolved conflict—conflicts, those who are wrongly called frozen conflicts. Mostly, they are not frozen at all. They have a high cost of lives and a lot of other things. But this is very central to the OSCE. And if I go then to a particular conflict that I think will be very sensitive—if you are a country like Kazakhstan, you have Russia as your neighbor. And I am thinking about the conflict in Georgia.

From a Parliamentary Assembly side, you say that there are things there that must be protected—for example, the right of refugees to return to South Ossetia and Abkhazia. Innocent people have the right to go back to their homes. And in order to go back to their homes—if you have your house burned down, you don't go back if you don't have some sort of protection, which means that you need the observers there—impartial observers—to see that you are able to go back to your home because you have an absolute right to go back to your home.

And a third issue—so the right for refugees to go back, the need for observers—impartial observers to be there—and also, which I think is also a big problem there is the militarization of Southern Caucasus. First, it had to do it in the Nagorno-Karabakh conflict, but hopefully we can see that that will be solved before the end of the year. I am a bit optimist there. But I am very afraid that you have the militarization of Southern Caucasus, not least if you put in heavy Russian bases into Abkhazia and South Ossetia. This is a very important task for the Chairmanship to do. And I imagine for a Kazakh Chairmanship to deal with this in this geographical situation, it might be rather sensitive. How do you see that perspective?

Sec. KROL. Sir, I see it as, yes, it is sensitive. But I think that Kazakhstan is somehow uniquely placed to understand all of the currents in this area because at one time, they were all part of the same country, the Soviet Union. And with respect to Georgia, Kazakhstan has had a very good relationship with Georgia, as it does with Russia. Kazakhstan has significant investments in Georgia in its energy sector and the like.

So I think in some respects that Kazakhstan can play, I think, a very useful role as Chairman and as—and I think even before they had been Chairman of trying to see that there is a peaceful resolution of these issues, particularly because they understand them so well having been a part of that whole structure for so long. So I think that they could actually bring an understanding, almost a common language that they understand of the parties in these very sensitive issues throughout the region of what was the former Soviet Union.

And I think we would look forward to their being objective and working with the international community, but also because they have a special relationship with all of the parties in the region in those particular areas, whether you are talking about Moldova, Nagorno-Karabakh, Georgia, and elsewhere.

Mr. LENNMARKER. Thank you, Ambassador. I hope you are right. And it also shows the heavy responsibility that is there for a Chairmanship. You should also remember that the previous Chairmanship has not succeeded always in solving these problems, so we must put it in perspective. But I think we have high hopes, exactly as you say, Mr. Ambassador, that out of that experience, they could have a particular position in helping to solve at least some of the unresolved conflicts. Thank you very much.

Mr. CARDIN. Mr. Ambassador, we very much appreciate your testimony today. We found it very helpful. I think you really did express our views and helped us focus on where we should put our attention. Thank you very much.

Sec. KROL. Thank you, sir.

Mr. CARDIN. We will next hear from Ambassador Idrissov. Let me just say to the Ambassador, he has been very generous with us. Normally we would have the next panel just him. He is willing to allow the last two witnesses also to join this panel, which will allow us maximum time for questioning. And I am not surprised because the Ambassador has been extremely open with us, always available, always accommodating.

And we thank him very much for his help in understanding his country and always being available to answer questions and for that, we very much appreciate him. So we invite the Ambassador up. He has not only been the Ambassador to the United States from Kazakhstan since 2007, he is a career diplomat and has been the former Ambassador of Kazakhstan to the United Kingdom, Norway, Sweden, and Ireland.

Ambassador, it is a pleasure to have you with us. He will be joined by Mr. Zhovtis, who is the—has received two degrees in engineering and law. He has practiced law in 1982 to 1990. In 1990 to '93, he was a member of the Coordination Council to the Opposition Social Democratic Party in Kazakhstan, so he will bring us a perspective from the country itself.

And we also have Dr. Eric McGlinchey, who has received his Ph.D. from Princeton University in 2003, and has joined George Mason University as an Assistant Professor of Politics and Government. In addition to his academic affiliations, Professor McGlinchey is a member of the program on new approaches to Russian security and is an advisor to Eurasia programs at the National Bureau of Asian Research. It is a pleasure to have all three of you here. I understand our colleague wants to testify. You wanted to make a—well, let me hear from the three and we will be glad to hear from you anytime. Mr. Ambassador, pleasure to hear from you.

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

Amb. IDRISOV. Thank you very much. It is my great pleasure to be here. First of all, of course, I commend the high presidium, Chairman Cardin, Chairman Hastings, Mr. Smith—Congressman Smith and our friend from Sweden. Of course, I am very happy to see Chairman Faleomavaega and Congressman Salmon. I would like to express my appreciation to my fellow panel members, Ambassador Krol. Again, he is not just my countryman and Mr.

McGlinchey, and of course, my great thanks to the audience for their patience and interest in Kazakhstan.

At the outset, let me, first of all, say that I have my written testimony and not only I would request that not only the written testimony, but also the two documents, which I sent to you yesterday—the long paper on our agenda—tentative agenda—for OSCE and our long paper on the reform process. I also include it for the record purposes.

Mr. CARDIN. Mr. Ambassador, all of it will be included in the record.

Amb. IDRISOV. Thank you very much. Mr. Chairman, at the outset, let me first of all express on behalf of Kazakhstan our full appreciation for the cooperation we have with the Helsinki Commission. Please be assured that this is felt very much in Kazakhstan and I appreciate it. As we move on our challenging journey from Communism to building a democracy, we are emboldened by our cooperation with our colleagues and friends in the OSCE and of course, in the Helsinki Commission.

We are proud, of course, of our achievements so far. But we recognize that these are the early steps in the beginning. It was the foundation for greater things to come, the foundation for advances in constitutional reform, the rule of law, free and fair elections, empowerment of parliament, and civil liberties to emphasize human rights, including freedom of speech and freedom of worship.

The progress has taken place not throughout centuries, as was rightly mentioned by Mr. Lennmarker, but remarkably, within a short 17 years. The example of America, the world's beacon of liberty, demonstrates that democracy is a journey. For young Kazakhstan, full democracy is not the start. It is, rather, the destination through an exciting and challenging journey. We are proud that we have successfully embarked on that journey and we are motivated by the milestones we have so far achieved.

To answer your remarks, Mr. Chairman, whether we are in the business of crossing the boxes, let me assure you as Ambassador Krol said that it is not that. Please know that from the very outset of our independence, we embarked on a dual track of liberal political and economic development. Our former was initially to focus on economic development, but we understand that democracy-building and reform, or market economy-building should go hand-in-hand.

They cannot go separately. We cannot be economically successful if we are not pursuing the political reforms and vice versa. So this is our choice, but our formula is not that democracy is only laws and decorations. Though they are important, but we believe that it is more change of a culture and habits because these laws and these decorations should be practiced by people. Therefore, we focus on that.

What we have done so far, of course, included the reform of the judicial system and the multi-party system in Kazakhstan and eventually a multi-party parliament with open and monitored elections. The Presidential term has been reduced from 7 years to 5. Media reforms provide equal coverage to all candidates and parties. The rights of individuals are being upheld in jury trials, often

against state and local authorities. And Kazakhstan is a leader in efforts against human trafficking.

The milestones are tangible in another area. That is religious freedom. We are a multiethnic society, as you know. We have more than 100 ethnic groups and religious groups in Kazakhstan and we have firm respect for all. There are more than 4,000 religious groups, but there is only 46 denominations in Kazakhstan. Just interesting figures for you, Mr. Chairman. There are 1,000 Protestant Christian organizations with 600 chapels, 281 Orthodox organizations with 257 churches, 82 Roman Catholic churches, 28 synagogues, and 1,400 mosques.

And we have all kinds of smaller religions and missionaries. Mr. Smith quoted Mr. President. I think it was out of text. We never forbid or prohibited missionary activity in Kazakhstan. Missionary activity in Kazakhstan is free. And for that reason, we have representatives of Unification Church, Jehovah's Witnesses, Hare Krishna, Baptist, Presbyterians, Lutherans, Mormons, and many others in Kazakhstan.

They are active in Kazakhstan and we are happy that they are with us and form part of our coherent society. As our Chief Rabbi said in Kazakhstan, every religion and faith enjoys complete freedom of expression and government support and can well serve as an authentic model to all countries with regard to preventing and eliminating anti-Semitism and terrorism. That was the quote from our Chief Rabbi.

You gave a story of the attempted amendments to the law on religion. I can tell you and assure you that that was through a debate—open debate within the society and with our external outside partners, mainly OSCE's office on democratic institutions and human rights and other offices. Through the debate, the Parliament and the public wanted to see certain amendments to secure the protection of rights of other groups of population. But eventually, as I was told today, the constitution council ruled that those amendments would compromise the core of the constitution. Therefore, the issue was postponed. And of course, we will continue to be engaged with OSCE and other partners in considering this issue.

Kazakhstan is known for its tolerance. Therefore, we are hosts for the World Congress of Traditional World Religions. We will have the third session of that Congress on the 1st and 2nd of July of this year. And we hope that the invitation the Congress has on a standing basis will be up-taken and Members of the Congress will be there as our honorary guests at that very solemn and meaningful event.

The year 2000, as was again told today here, saw major moves in terms of further perfecting the election legislation, the law on political parties, the law on media, the law on local governments. And as was already said, we are not in the box-checking business. We have taken those not as commitments to please someone. This was our choice we should have made in early, early days of our independence. And we will persevere on that road. Therefore, there will be no stop in the consideration and further efforts to perfect our civil society institution's legal framework for that in our jour-

ney along the road of building free society and successful liberal economy.

Of course, Mr. Chairman, we have our vision for the OSCE Chairmanship. It is a challenging task. It is an opportunity and of course, this is recognition of our progress. And we are engaged in very active negotiations and consultations with our partners. We are now members of Troika—OSCE Troika. We have started activities within the OSCE Troika in January of this year. Last March, we had meaningful consultations with EU and OSCE Troika, where we had, among other things, discussed the Balkan situation, the situation in Georgia and we will continue to be engaged in those areas.

We want to bring our own values to the organization. Of course, we will be focusing and working on three dimensions of OSCE. That is without any doubt. But we want to bring certain value-added things, which we can bring. And therefore, we are in the process of discussing those things with our partners in OSCE, particularly in the military area—military-political dimension.

We want to focus on regional stability, particularly in our part of the world. Terrorism, drug trafficking, illegal arms trade—these are the concerns, which we want to bring focus to the organization. Afghanistan is a common concern. So we want to see where OSCE legitimately can play an important role on both enforcement, on training of future generations of Afghanistan. So these are the issues where we want to use the potential and the strengths of OSCE.

Another area could be the conflicts, but as Yuri said to Ambassador Krol in his answer, this is a very challenging area. And we need the political will and commitment of major players and stakeholders in those conflicts to achieve success. Of course, as Chairman, we will put our effort, very sincere, the strongest effort possible to make sure that this political will and commitment is there.

On economic and environment dimension, which is very important, we want to bring the focus of OAC on the issues of Eurasian transit corridors and transportation systems. I think that this is an area of common importance for all the membership of OAC. Therefore, we want to see where we can build upon these issues. And this involves not only the pipeline; this involves major free and unimpeded flows of traffics of goods, services, people in both directions. Therefore, we want to use the stance of OAC to facilitate this process.

In the area of human dimension, which is one of the most important areas of OAC, we, of course, want to focus on where we are strong, and this is tolerance and intercultural dialogue. Therefore, we want to bring this experience to OAC and we already are talking with our partners just in front of the—ahead of the religious Congress we will have in July, we are calling a roundtable on tolerance issues where we will invite the membership of the OAC and three representatives of the Chairman-in-Office on anti-Semitism and tolerance with regard to Christianity and Muslims. So we are building this roundtable, but in 2010, we are contemplating on calling a major conference on anti-Semitism and other forms of intolerance. So we are working and we are putting this on our agenda in that area.

Of course ODIR will remain an important part of Kazakhstan. You all know and many people in this room will attest that Kazakhstan has a very lively and a very meaningful dialogue with ODIR and with the Office of Media Freedom, Human—National Minorities and all important institutions. Chairman Hastings, to answer your question about Mr. Tokaev's remark, I exactly know the context when it was said and why it was said and how it was said. It was said 2 weeks ago in Almaty, in Astana, when Mr. Tokaev was meeting irector General of ODIR and it was not a reference to the commitments of Kazakhstan within—as a member of OAC. We never questioned our commitments. We will stick to our commitments and we will declare that.

What he said was a reference to the recommendations of ODIR with regard to particular legislation. For example, legislation on elections or political parties, he said that one cannot think of Kazakhstan or any other country member of OAC to take 100 percent of ODIR recommendations. It is a matter of debate.

Therefore, he compared this—he said, if you take 100 percent of ODIR recommendations on a particular law, these recommendations will stop being recommendations. They will become Communist Party instructions. And we have lived through this period in the past in the Soviet days. Therefore, we want to go as far away as possible from that period. But we are in a meaningful debate and discussion with ODIR and if you read the details, which I provided in my briefs on reform process, you will see that many of ODIR recommendations have been taken on the election law, not 100 percent, but many.

Many have been taken on the political parties law. For example, a big issue was the election of the one-party Parliament in Kazakhstan in August 2007. Please be assured that this was a major drawback for the government, too, because we expected a meaningful competition during the election. And seven parties have been participating in the election. But only one party, unfortunately, has taken all the seats. We cannot vie for the opposition parties to be successful with their voters. It is there job to do and the government sees its role as to facilitate the environment and make the environment conducive for that. Therefore, by law, we have now ruled out the possibility of one-party Parliament in the future.

In the amendments to the political party, which were enacted this February, it is by law prohibited that there should be a one-party Parliament. At least there will be a two-party Parliament. Even if a certain party does not go through a, prescribed threshold, then the second party in the election, even if they didn't get the threshold barrier, would get over the threshold, and will be able to get a certain number of mandates in the parliament. In other words, we ruled out the future of Kazakhstan with one-party Parliament. And that is enacted in our legislation and this is a principal position of the government.

Mr. Chairman, let me close by saying the Kazakhstan Chairmanship comes in a very challenging and very important year. This will be the year of the 35th anniversary of the Helsinki Act. This will be the year of the 20th anniversary of the Charter of Paris for a New Europe. And this will be the year of the 65th anniversary of

the end of the Second World War. Therefore, we fully understand the responsibility which lies before us and we would like to aspire that all the challenges, particularly in the context of these days, will be on the table for us to discuss with our partners. We aspire that in the year 2010, we will have a meaningful major summit of the leadership of OAC. We all know that OAC summits have not taken place over the last 9 years. Therefore, we think that it is high time with the arrival of new leaders and important member states of the OAC, we hope that there will be an understanding and support for a major OAC summit to discuss the challenges the organization has and more importantly to identify the way forward for the organization.

Mr. Chairman, we will—as the Chair, we will strive to continue that effort, making OAC a more strong, a more viable organization for its members. And we will always remember that, as I said in my opening remarks, we take democracy not as a destination for Kazakhstan. Kazakhstan is a young country. We rather take democracy as the start, through a very important and meaningful journey. And democracy, full democracy, full-fledged democracy is our destination. We are not a full-fledged democracy yet. We appreciate that fully. We are a fledgling democracy. Therefore, this important distinction should be properly understood. We have a Kazakh saying, Mr. Chairman, “A road of 10,000 steps is covered by making the first step.” So please be assured that Kazakhstan and the United States are on the same road. We are not hesitating on this road on democracy and market reform building. The only difference between us and you is that you are making your 237th step and we are making our 17th step. That’s the only difference. Thank you very much.

Mr. CARDIN. Mr. Ambassador, we always appreciate your candor and your testimony. Mr. Zhoutis.

YEVGENY ZHOVTIS, DIRECTOR, KAZAKHSTAN INTERNATIONAL BUREAU FOR HUMAN RIGHTS AND RULE OF LAW

Mr. ZHOVTIS. Mr. Chairman, distinguished members of the U.S. Congress, and the Commission on Security and Cooperation in Europe, first of all I want to thank you for the opportunity to speak here. A year-and-a-half ago, in October 2007, I already had a chance to testify here about the challenges of democratic development, the rule of law and human rights implementation in my country. It was before OAC member states have made their decision regarding Kazakhstan Chairmanship in this organization.

At that time, what was already mentioned here, many of the human rights organizations both inside the country and internationally expressed their concern regarding the fact that this decision has been guided basically by geopolitical, economical, and energy considerations, rather than with the considerations based on the standards of OAC in human rights area and primarily in the area of political rights and civil freedoms and the country with the luck, certain luck of record, will chair the OAC.

Back in those days, many people believed—and I myself as well and my presentation here a year-and-a-half, I was one of those who supported this decision in spite of all these considerations—that Kazakhstan Chairmanship in OAC would encourage democratic

process in our country, would give a chance to bring legislation and practice closer to international standards in the area of democracy, human rights, which has been, among other things, confirmed by the Minister of Foreign Affairs Tazhin, who pledged in 2007 in Madrid liberalization of religious station pertaining to elections, political parties and mass media.

Mention should be made that the decision on Chairmanship of Kazakhstan in OAC was made regardless of the amendments to the constitution and the election legislation endorsed in 2007, which enhanced the authoritarian nature of the current political regime. I am leaving with you the review of those amendments which we did and presented to the public.

And notwithstanding parliamentary elections that took place the same year, as a result of which not a single representative of political opposition had been elected to the Parliament, regardless the fact that four is minimum.

Opposition political parties with formal total number of not less than 250,000 members participated in that elections. The current Parliament and the local representative power bodies consist almost by 100 percent of the representatives of the only one party, Nur Otan, which by information mode but its functioning methods and propaganda scope reminds more and more the Communist Party of the Soviet Union.

It is fair to say that since this time the decision on Chairmanship of Kazakhstan in OAC has been made, the authorities undertook a number of steps which could be viewed as positive. I want to mention that to be objective as possible. First, this is the ratification of the optional protocol to ICCPR, which allows Kazakhstanian people to address U.N. Committee on Human Rights with individual complaints. Second, ratification of the optional protocol to the Convention Against Torture, in line with which Kazakhstan has to create an independent system of visas of all the custody places in the space of the current year. And this work is going on rather actively with the participation of Kazakhstan ombudsman and we should acknowledge that.

Third, there is the statements made by the authorities regarding Articles 21 to 22 of the U.N. Convention Against Torture, which allows the citizens of Kazakhstan to address the U.N. Committee against Torture with individual complaints. And finally, while listing positive things, measures should be made of improved openness of state power structure, their preparedness to constructive cooperation with nongovernmental organization, setting up a number of advisory bodies, working groups, public councils, public chamber under the Parliament, within the framework of which a more intensive dialogue is going on between the power bodies and civil society. However, this is all as far as positive things are concerned and unfortunately the rest of the talk should be about serious concerns and negative trends.

In the middle of last year, a group of leading nongovernmental human rights organizations of Kazakhstan set up a coalition named Kazakhstan OAC 2010, which monitors the implementation of commitments of Kazakhstan within the OAC framework, including promising pledges made by Mr. Tazhin. The coalition has published a number of reviews. The latest ones are on display near

this hall. The coalition has published a number of reviews, but at the end of the last year, amendments and additions were made into the legislation related to elections, political parties, and mass media, which were, from our point of view, of ornamental making up nature, not changing anything in reality.

And if amendments into the media-related legislation at least have not changed anything to worse, amendments into the legislation pertaining to political parties create additional obstacles for the formation of political parties, having introduced a two-staged procedure for political party registration. First, its organizational committee should be registered and then the political party itself, according to this new legislation. By the way, when speaking here in 2007, I gave as an example a lengthy registration of an oppositional party, Alga. In a year-and-a-half, this party is still not registered.

Amendments introduced into election legislation have not taken into account any of the five principal and essential proposals made by the oppositional political parties, human rights organizations, and provided by ODIR. In the course of the local elections and representative power bodies held in Almaty, spring of the current year, all the principal candidates from opposition have not been even registered as candidates on absurdly farfetched and wanton reasons.

At the end of last year, the parliament endorsed amendments into the law and religion that run counter to basic OAC standards, regardless of the fact that these amendments have been recognized as unconstitutional by the constitutional council, their main ideas have been implemented. In the course of the entire last and the beginning of the current year, members of the national security bodies, law enforcement bodies, practiced raids in relation to the gatherings of small religious communities including Protestant, Catholics, Unification Church, Baptists, and others and others and others, those held even in private houses, interfering in the freedom of religion.

Many foreign missionaries in the last couple of years, more than 350 missionaries were evicted from the country on the basis of arbitrary interpreted and anti-democratic procedures of their accreditation. Ms. Drenicheva, a citizen of Russia and the preacher of the Unification Church, spent several months in custody. She has been accused of—on the basis of unbiased expertise of kindling hostility on the basis of belonging to human race. I am citing the sentence. And was sentenced to imprisonment and later changed for a fine. At this, the court has not taken into account five other expert examinations, including those made by leading American religion specialists, Professor J. Gordon Melton and Professor James T. Richardson, which completely disproved the conclusion of the Kazakhstani expert.

At the beginning of the current year, an independent newspaper, Tasjargan, was fined for the sum of \$20,000 U.S. dollars, for the publication of a critical article, with regard to one of the parliamentary deputies. The court of appeal jurisdiction considered the appeal of the newspaper and increased the sum up to \$200,000, which in reality resulted in the closure of the given opposition newspaper.

The editor-in-chief of independent newspaper Ama-Ata Info, Ramazan Esergepov, is in custody since the beginning of this year. He is accused of disclosure of state secrets, which is expressed in a publication of an internal letter of one of the regional national security field offices. In fact, this letter does not contain any secrets, apart from the information that the national security bodies interfered, from my point of view, illegally, into the court and prosecutor's office activity under one specific criminal case.

Criminal process is being finalized in Almaty under the accusation of three oppositional leaders and public figures in concealment of crime. That is in signing letters in 2005 and 2007 in support of Kazakhstani citizens that have applied for refugee status in Ukraine. A number of these citizens are accused of committing crimes in Kazakhstan. However, in full compliance with the legislation and international practice, in Ukraine they have been recognized as political refugees on the territory of Ukraine.

But in Kazakhstan, these public figures that have expressed their opinion in writing, with regard to the political nature of prosecuting these people and there are doubts as to fair judicial process concerning these people in Kazakhstan. These leaders of opposition are facing the threat of 2 years' imprisonment for would-be concealment of crime.

The draft law on Internet that is currently in discussion in the parliament could be mentioned here as well because—

Mr. CARDIN. I have to ask you to try to complete.

Mr. ZHOUTIS. Yes, I am finishing. It will practically put Kazakhstan Internet segment under total control of the powers, which is pretty much similar to censorship. I should mention also the right to peaceful assembly that most of the opposition political parties, human rights groups, could not—their applications are usually rejected by the authorities.

Due to this shortage of time, I limited myself only to a number of problems in specific cases. It is less than half a year left until the time when Kazakhstan will take over the OAC chairmanship. And now all the countries that have made this decision to a certain degree are responsible for the democratization processes, the rule of law and human rights implementation. And I do hope that the bearers of this responsibility will make it possible to positively influence the improvement of the current situation. Thank you.

Mr. CARDIN. Thank you very much. Let me point out—it's a good time for me to point out—that all of our witnesses' testimonies and all the material used at today's Commission hearings will be put on our Web site, which is www.csce.gov, so we will make it all available, including your entire statement. Dr. McGlinchey?

**ERIC M. McGLINCHEY, ASSISTANT PROFESSOR OF
GOVERNMENT AND POLITICS, GEORGE MASON UNIVERSITY**

Dr. McGLINCHEY. Mr. Chairman, members of the Commission, guests of the Commission, fellow panelists and members of the audience, I thank you for the opportunity to appear before you today. I too ask that this be submitted for the record and, in place of a full statement, let me just present some brief observations from this statement.

I'd like to present six points. One is simply a methodological point that a social scientist might have for studying a country like Kazakhstan. And the other are causal points, three reasons for why we might expect reform—or actually three reasons why we might not expect reform in Kazakhstan, despite Foreign Minister Tazhin's pledges to reform, and two potential reasons for why we could expect reform.

Let me just briefly outline the methodological concern that I, as a social scientist and someone who looks at Kazakhstan, has with many analyses of Kazakhstan. And that is if we look at Kazakhstan since 1991, there has been—if we are to be frank—no political variation. We have a continuity of authoritarian rule. As a result, I could present just about any explanation for this continuity of authoritarian rule. I could say it's based on tribalism, as many Kazakhs will say. I could say it's based on the clan structures. I could say it's based on culture, the Kazakhs simply don't have an affinity toward democracy. And there would be no way for you to assess these explanations.

What I would like to do today is provide an alternative approach. And that is to look at what the broader social science literature says about political change and see what insights this literature holds for Kazakhstan. And I should be frank, the insights aren't particularly encouraging. There are five theories that I would point your attention to. One is modernization theory. The second one is what we call survival theory. The third is what we would call a winning coalition theory. The fourth is the resource curse theory. And the fifth is the power of international organizations.

I'm just going to provide a brief sketch, a brief, brief logic of each of these. I think the modernization logic is familiar to most of you. It is the logic that continues to define most of USAID programs in Kazakhstan. Despite the fact that USAID continues to hew to this logic, the social science literature, to be perfectly honest, has moved beyond this logic. This logic holds that with modernization, with economic development, countries tend to become democratic. The empiric—empirics from comparative studies just don't support this fact.

Rather, what we're discovering is an alternative economic logic, which we call the survival theory. And that is countries that are more economically developed tend not to transition whatsoever. That is if you're a rich authoritarian country, you tend to remain a rich authoritarian country. If you're a rich democratic country, you tend to remain a rich democratic country. Kazakhstan, if you look at the GNI per capita relative to the other Central Asian countries, is a rich authoritarian country. And the logic behind this would seem to indicate that Kazakhstan will remain a rich authoritarian country. I think one can understand this logic if you make reference to what's going on Kyrgyzstan, which is a poor authoritarian country and, at times, one could arguably say, a poor democratic country. Kazakhs may look to the south and see the chaos, both political and economic, and say, we don't want any of that. And Nazarbayev, to an extent, has some legitimacy as an autocrat, based on the economic deliverables he's provided. So those are theories one and two.

The winning coalition is what I would like to call the mafia theory. And that is a mafia leader, who rules through only a few hitmen and can select from a large body of potential hitman, tends to enjoy the loyalty of those hitmen. That is, a hitman would be very unlikely to defect from the current leader because the possibility of him being in a winning coalition, that is being a hitman, under some new leader is very low. There's a large body of people that these leaders can draw from. This is certainly the case in Kazakhstan. I would not characterize the elites in Kazakhstan as hitmen. This is where the theory is derived from, but, you know, it's certainly applicable to the Kazakh case. And I think a lot of the ruling elites in Kazakhstan know that if they were to support some alternative challenger to Nazarbayev, the likelihood that they would find themselves in power under some future leader is very limited. So this tends to engender a lot of loyalty among the current elite, which would be an argument for authoritarian continuity.

This gets me to the fifth causality, which is the resource causality. The winning coalition, or what I would like to call the hitman theory, is dependent on the actual leader having something to give to the political elites. If there is nothing to give to these political elites, there's no reason why these political elites should remain loyal. This is the case of Kyrgyzstan, the Kyrgyz leader has nothing to give to the political elites and the political elites regularly throw their support behind some kind of challenger. In Kazakhstan, with the vast amount of oil revenue, there is a lot to give. And I think this only reinforces the authoritarianism logic.

The theories that I've outlined so far tend to point to some kind of negative conclusion. And I don't want to conclude simply on a negative note. And let me present this last theory, and that is the role of international organizations. And it's actually the story of the Helsinki Commission. In 1975, no one anticipated that the Helsinki Accords would actually lead to some kind of substantive political change in the former Soviet Union. In fact, if you look at The New York Times article on the year anniversary of the Helsinki Accords, the conclusion was that, quote, "only a fatuous optimist would expect the Helsinki commitments result in some kind of substantive political reform in the Soviet Union."

Now we know with the benefit of hindsight that actually the Helsinki Accords did result in substantive political reform. And the reason for this is activists, social activists, seized on this international agreement as a framework for opposing authoritarianism.

To the extent that social activists in Kazakhstan can seize on something like the Madrid commitments as a way to hold the Kazakh political elites to the fire, as justification for their opposition, as a message that Kazakhstan is not living up to these commitments, I do think there is a glimmer of hope, albeit a small glimmer of hope, that we could see positive liberalization in Kazakhstan in the future. Thank you very much.

Mr. CARDIN. Thank you for your observations and your testimony. I found it very helpful. Mr. Ambassador, let me again thank you for your presentation. I very much appreciated your commitment to all three baskets within OSCE, because the Chair-in-Office clearly is going to need to be, from a very broad point of view, the

priorities within all three baskets. This Commission has worked on all three baskets and under the leadership of Chairman Smith, we started our efforts to fight all forms of discrimination, including anti-Semitism, and we're proud of the work that we did. Then under Chairman Hastings, our Commission continued that emphasis, supporting the work of ODIR and supporting the three representatives to the Chair-in-Office.

And under my Chairmanship, it continues to be the highest priorities. I do observe that Rabbi Andy Baker is in the room, whose our—the Chair Special Representative for anti-Semitism. We have now, I think, reached that point where we can benefit from the prior work that's been done and having a strong support for ODIR and the Special Representatives allow us to go to our member states and implement programs that can have major impact to fight all forms of discrimination. So I guess—more of an observation, but also a question, I hope you will take back to the Foreign Minister our strong desire to see this continued, that we think that you—that Kazakhstan could be in a very strong position to help us implement strategies in all OSCE states, using the resources within ODIR and the special representatives to implement best practices and to have accountability so that we can show that we're not only talking about this issue, but we are actually implementing a strategy to rid ourselves of these problems.

Amb. IDRISOV. Thank you, Mr. Chairman. This is a very valid observation and I can tell you that we work very closely with ODIR and Office for National Minorities and other important offices. I had a meeting with Rabbi Baker 2 weeks ago. We talked about the anti-Semitism issue. I met with Senator Voinovich; he is also a strong supporter of anti-Semitism and other forms of intolerance. So this is on our agenda, very firmly, because of our conviction and our practice. Therefore, we want to take this conviction and practice to the entire space of OAC and we are now thinking practically what we can do. So far, we have two specific ideas. One, to have a roundtable in June in Kazakhstan on intolerance issues, and another one in 2010, have a major OAC conference on anti-Semitism and other forms of tolerance. So through that, we want to bring both the conviction and practice on the ground in the entire OAC space. Thank you.

Mr. CARDIN. I just point out it will require leadership from the Chair to make the resources available and bring the necessary consensus and it will require that to be a high priority. I just hope that will continue from what you have said.

Amb. IDRISOV. For your information—thank you, Mr. Chairman. For your information, we are taking up the administrative and budgetary committee issues in the fall. This is the more challenging area. We all know that the budget of OAC, one of the more, I hate to say, controversial issues, but a challenge, one of the challenges of OAC, therefore, we wanted to use our know-how to start to look into the budgetary issues well in advance to make sure we have enough resources to cover the planned activity within the three baskets of OAC.

Mr. CARDIN. And I take you for what you have said today, your commitment that reforms are a continuing process and that you understand that further progress needs to be made and I hope that

you will take advantage of the resources that are available within the OAC community to help in regards to the development of laws that will strengthen your commitment to the OSCE principles. I just wanted to just followup with one of the observations of our Ambassador and that was from the position of the Chair-in-Office, it's no longer what's in Kazakhstan's best interest. It's what's in the best interest of OSCE and election monitoring has been one of the key functions and proud legacies of OSCE.

And I just really want to underscore the importance of the Chair-in-Office to the integrity of that process and just urge you to take that message back and work with all the member states to make sure that OSCE continues this extremely important function. We welcomed a delegation to the United States to observe our elections and it's important that they have the access and support of the Chair-in-Office.

Amb. IDRISOV. Thank you. This is also a very valid point, Mr. Chairman. If you go into the retrospective with our relationship with ODIR, you will see that this is a longstanding relationship and actually it's an evolving relationship. We have a really lively and very active dialogue through the office of OAC in Kazakhstan and through our presence in Warsaw and in Vienna, of course. And I can assure you that our central electoral commission functionaries, they are on friendly terms with the ODIHR office, and this is an area where we want to persevere. We understand that election is an important part of democracy. So far, we think that no one can boast of ideal election; any country has its shortcomings. We have our own shortcomings and we are quite aware of them.

We work on them, together with ODIHR, and as Chairman-in-Office, we understand that our function will be to enhance the election-monitoring mandate and capacity of ODIHR, and we will be working together with other partners. There are a number of ideas on the table, so we will try to be an honest broker in considering these issues, not of course to undermine the core mandate of ODIHR in election monitoring.

Mr. CARDIN. If I could ask our other two witnesses if you, very briefly, could give me a priority as to where you would like to see more progress made in Kazakhstan as it relates to OSCE commitments. Could you just perhaps give us where you think the highest priorities should be placed? Mr. Zhovtis?

Mr. ZHOVTIS. I think that these priorities already were highlighted here. First of all, of course, it's political rights and human freedoms, the basics. First of all, of course, elections. And it's not only practices; it's the question of laws, legislation as such. I've already mentioned about these five principal proposals which were made by the Kazakhstan opposition political parties, NGOs, human rights organizations. They are very simple. No. 1 is the access to the voters lists.

Mr. CARDIN. Let me just point out, they passed a law, as the Ambassador pointed out, that will guarantee at least two parties. From my point of view, that's not the end of the reforms that are needed, and I think the Ambassador is shaking his head there. Could you be more specific as to what you—what is preventing, in

your view, full implementation of OSCE principles as it relates to competitive parties?

Mr. ZHOVTIS. Exactly. No. 1, access to the voters list, the right to look at whether the lists were not falsified and so on. No. 2, composition of electoral commissions of all levels. All the electoral commissions should include political opposition. It should consist of all political parties. We have only now less than 10 political parties, really, or 9. They should be included.

Third, access to the media for the oppositional political parties during the inter-electoral period—not during the electoral campaigning but during the electoral period—if they will have the access to the national-wide mass media and now opposition has no access to the national-wide media at all. Third, it is mandatory Kazakhstan should improve the commitment of the OSCE so that nongovernmental opposition groups have the right to observe, because in Kazakhstan legislation they have no such right. These principles are very simple things which should be done. Then we could expect that there will be not only two parties in the Parliament.

Mr. CARDIN. Thank you. Dr. McGlinchey?

Dr. MCGLINCHEY. Mr. Chairman, thank you for your very important question. My answer is brief and simple, and that is a functioning judiciary. I think absent a functioning judiciary on all levels, formal changes in law and practices of institutions will be meaningless. It's only when the judiciary can actually adjudicate violations in their free and balanced way that we'll actually see change in Kazakhstan.

Mr. CARDIN. And that is a challenge, and that's where I think perhaps some of the member states can help in regards to Kazakhstan. I appreciate that observation. Congressman Hastings?

Mr. HASTINGS. Thank you very much, Mr. Chairman. I'll be very brief. Mr. Zhovtis, I don't take exception to the number of things that you mentioned, but when you speak of access to the voter list, I guess there are several ways of looking at that, and if you're talking parties not having access in order to be able to campaign through the voter list, then I don't know the real answer.

But one thing that I did observe as a lead observer to one of our Kazakhstan elections was something that I've not seen anywhere else in the world, and certainly not in my community, and that is that the registered voters in a specific precinct are posted 2 weeks in advance of the election with persons available if a person wishes to quarrel about why their name is not there or the name is incorrect or something. I haven't seen that. I wish like hell we had that in Florida. [Laughter.] So I can make that, you know, observation.

And as far as machinery itself is concerned, Kazakhstan has made greater progress than most places in the United States in the utilization of the machinery. Now, I don't know whether the machinery is rigged or not. That isn't my place to make that determination. And I feel very strongly about some of the machinery in the United States of America. But at the very same time, they are further along in that regard, and I just point it out as an observation, not so much for a response.

Ambassador, I'd like for you to carry a message to Minister Tazhin for me. There is an ongoing, raging debate in Vienna re-

garding whether or not the Parliamentary Assembly is an institution within the framework of OSCE. I can say to you, I would say to the Greek Chair now and any other Chair, for as long as I'm a member of the Parliamentary Assembly, if someone takes the view that all of the extraordinary work that we do in the Parliamentary Assembly is to be cast aside because of nuances or personal attitudes, then I will be a bee in Minister Tazhin's bonnet. And I just want that to be made clear. I am personally tired of the discussion about the role of the Parliamentary Assembly, and I know that's not your responsibility, but I ask you, please carry that message to him from me. Thank you.

Mr. CARDIN. Thank you very much. Mr. Smith?

Mr. SMITH. Thank you, Mr. Chairman. Mr. Ambassador, again, thank you for being here and thank you for working with us. And I appreciate the testimonies of our two other witnesses. When President Nazarbayev said that Kazakhstan should not become a dumping ground for various religious movements, you commented a moment ago that you thought that was out of context. Are you saying that the words themselves or—I mean, what did he mean by that, especially in light of Mr. Zhovtis' statement that some 300 missionaries have been expelled.

I remember, and I would ask you a very specific question and ask you—if you can get back; I'm sure you don't have it with you now—but in May 2008, two Directors of Jehovah's Witnesses, Theodore Jaracz and John Kikot were deported from Kazakhstan. The city prosecutor was ordered to make an examination of the matter and informed the Office of Jehovah's Witnesses in Kazakhstan of his findings, and as far as we know that still hasn't been forthcoming. So there seems to be a lack of transparency. But when somebody makes a statement like that, I mean, words do matter, with all due respect, and it sends—given the most recent past, it sends chills and could chill the free exercise of religion dramatically. How is it out of context?

Amb. IDRISOV. Thank you very much, Mr. Chairman. Briefly, first of all, I thank my co-panelists for their valid points. Just to let you know that our authorities' central election commission, when observing the perfection of the election legislation, does not take onboard only ODIHR recommendations. It works with the entire community, both inside Kazakhstan and outside Kazakhstan.

Therefore, for example, we know that the human progress with the Freedom House, and in 29 amendments to the election law, which we enacted early this year, many of them were from the Human Rights Bureau and Freedom House. So, as I said, not all the recommendations were taken, but a great many of them have been taken and we continue our dialogue. As far as the judiciary is concerned, this is a major challenge, and I think that Kazakhstan is making a sincere effort to improve the judiciary. It's a long way before we have a fully functioning and independent judiciary, but this is our goal and our aspiration.

Mr. Chairman—Congressman Smith, to your question, yes, the words of—the quote you made for President Nazarbayev was taken out of context. We never mean and he never meant to prohibit any entry for missionaries into Kazakhstan, and what he meant is that there were threats to Kazakhstan, particularly from the south, to

infiltrate certain wild and fundamentalist ideas. So this was a remark in that context. But generally, as I say, by law and by practice, no missionary activity is prohibited in Kazakhstan. The cases you referred to and Mr. Zhovtis referred to were individual cases.

I met with the Jehovah's Witnesses leadership here and we discussed the situation broadly, and Jehovah's Witnesses have been in Kazakhstan for 100 years. They're quite successful. I can tell you, they told me that in the United States the Jehovah's Witnesses were imprisoned for not going to military, for refusing to go into military, until '60s. In Korea—South Korea—this is still the practice. Jehovah's Witnesses are being imprisoned for not going into military.

And we have now a very pleasant dialogue with Jehovah's Witnesses. Those two cases were not deportation. Those two cases were the improper registration of their activities. The law requires very simple registration. It's not registration; just giving your name, your address, your telephone and country details. That's it.

Certain groups refuse to do that, and that makes the local law enforcement bodies to stick to the law. These are individual cases—as in this country, should be left to the court. With the case with Drenicheva, there was one situation, then the court of a different instance considered the case and ruled that the previous court was wrong.

So these are the individual cases. Therefore, we have to be very accurate in generalizing these points. Therefore, Kazakhstan is a religious freedom-supporting country. We practice that in our reality. When we have certain difficulties in individual cases, we hope that the court provides the best decision through a debate and fair consideration of the cases.

Mr. SMITH. Mr. Ambassador, earlier I mentioned—and it's been mentioned several times since during this hearing, about the 2007 elections were found not to be free and fair. There were excessive requirements for registration, 10-year residency and party membership, lack of opposition on election commissions, and access to the media by the opposition.

My question is you talked about the February legislation, and as Chairman Cardin said, you know, we don't necessarily say there ought to be a guaranteed outcome for a two-party system. Given the ability to have access to the media, to have a completely transparent process, that will take care of itself. And I'm wondering, does the opposition, pursuant to the new law, have access to the election commissions a well? Does it have access to the media? Are there guarantees so that their voice will be heard by the people of Kazakhstan?

Amb. IDRISOV. Actually, if you look at the report of OSCE of the 2007 parliamentary elections, you will see that the OSCE mission has recognized the improved access to media by all participants of the election process. The last amendments into the law on media on election of political parties has further improved the situation, and it is being recognized.

Many of the, as I said, recommendations of our partners, both from within Kazakhstan and outside, they have been taken on board, both on access to political opposition parties, to the media, et cetera. There is even funding. Now it is mandated that money

is provided from the budget to ensure the equal access to different participants of the elections, whether it is pro-government or opposition or whatever.

On political parties, the issues of registration, their numbers which will allow them to go and register, these issues have been all addressed. I don't want to take your time and go into these details, but the issues of media access, issues of making the registration more simple and transparent, making the composition of the electoral commissions open to all parties, these issues have been addressed.

And now the authority of the Central Commission has been decentralized and many authorities lie with the local commissions, and the local commissions are under the aegis of the—not under the aegis but they work in cooperation with the local elected boards, the maslikhats. Therefore, the membership of the local electoral commissions are being done through the maslikhats, which are elected bodies.

So, all these issues are being addressed. Those areas which still create concern among different partners, they are still debated through a meaningful and friendly dialogue. So, the road, as Mr. Chairman said, the road is not closed. These amendments to the legislation is not the end of the story. We are an evolving society. Therefore, our laws will be further perfected and evolve with the life itself.

Mr. SMITH. Did you want to comment, either of—no?

Mr. ZHOVTIS. Very briefly. First of all, none of the amendments to the election law which were adopted in the beginning of this year addressed all these issues. None of them—not media access, not composition of commissions. None of the amendments addressed these issues. The question is that electoral commissions are formed by the local maslikhats, and local maslikhats consist of 100 percent of Nur Otan. That is, we could expect what will be the composition of the electoral commissions. And the question of the composition of electoral commissions is a crucial one.

On the access to media, there is not any guarantees in the law, and what the OSCE is talking about is pre-electoral campaigning. Yes, during the pre-electoral campaigning there was certain access to the national-wide mass media, according to electoral law, but we are talking about the whole inter-electoral period.

And one small comment on the religious law: Not only religious law should be improved; the practice should be improved, because out of these 350 missionaries which were expelled from the country during the last 3 years, there were practically none who came from the South. These were mainly the people, the protestant groups: Jehovah's Witnesses, Baptists, and so on.

And this is what raised serious concerns. It was not individual cases. It is a certain kind of trend, the trend how the police, migration police and Committee on Security, together with the prosecutor service, are dealing with the issue. And this should be improved, seriously, because the Religious Freedom report very clearly stated that.

Mr. SMITH. I have some questions for the record because time does not permit it, but let me ask one final question, and it's a very serious question to you, Mr. Ambassador, and I've been spending

an inordinate amount of my time working on these issues and I would like your answer. Does the government of Kazakhstan monitor the e-mails, and is there any censorship of nonviolent political content and nonviolent religious content? My understanding is—and Mr. Zhovtis mentioned this a moment ago—that there is a new law being contemplated, a draft law on the Internet. He says it will put the Internet totally under the control of the powers.

We've seen this happen in China. I was in China—as a matter of fact, I did not make the Parliamentary Assembly last year because we got delayed in China, another Member of Congress and I, who were raising human rights issues, and we missed our plane. But China has made it an art form—an art form that is being copied by many other countries, as to how to control the dissidents by piercing the e-mails, finding out who they're talking to, what the content is. And, with respect, what is Kazakhstan doing vis-a-vis the Internet?

Amb. IDRISOV. Thank you very much. Mr. Chairman, respecting your time and with my full respect to Mr. Zhovtis, of course—I have my response to him, but I will tell you that his intervention was not entirely accurate, but I will leave it there. To your question, Congressman, there is no censorship in Kazakhstan. As far as the Internet law is concerned, it is true that it is being considered in the parliament, but there are more speculations than truth about this process. What we tried to find is to find the proper balance. We fully respect and are committed to the freedom of expression and we are fully committed and respect the freedom of access to a different source of information.

But, as in other countries, we are strongly against the use of the media for spread of hatred and other things. So we are trying to find a balance. Therefore, no one is going to close and monitor and inspect 100 percent, put under the government control. This is not the question. This is rather a speculation. We tried to find a balance in the law; the law is still debated and different parts are participating. And, by the way, this hearing will be part of this debate because all ideas will not be ignored. We hear what we are being told, but we are driven by our own rationale and we of course take into account the experience of the entire—

[Cross talk.]

Mr. SMITH. With respect, Mr. Ambassador, my questioning also goes to the heart of there is a legitimate criminal law enforcement role to be played with regards to intersecting and monitoring e-mails. Criminality obviously has no protection. There is no oasis there. But when it comes to the opposition, are there any—does your government, in any way, monitor what the opposition is doing using the tools of law enforcement and applying it to the opposition?

Amb. IDRISOV. No, I don't think that this is correct assessment of the situation.

Mr. SMITH. It's a question.

Amb. IDRISOV. No. My answer to this question, no. Very short.

Mr. SMITH. OK, thank you.

Mr. CARDIN. Thank you. Congressman Faleomavaega, it's nice to have you with us. We thank you very much and we welcome your

comments, if you would like to make some comments. You have been very patient.

HON. ENI F.H. FALEOMAVAEGA (D-AT LARGE) A DELEGATE IN CONGRESS FROM THE TERRITORY OF AMERICAN SAMOA

Mr. FALEOMAVAEGA. Mr. Chairman, first my apologies. I've had the first-class tour of the new visitors' Capitol, where I have been given the roundabout, and so my apologies for being here a little late. I do have a statement I want to submit to be made part of the record, if I could.

Mr. CARDIN. Without objection.

Mr. FALEOMAVAEGA. And in the essence of time, I've taken great interest in some of the comments and the statements that were made earlier by our speakers. I certainly want to offer my personal welcome to His Excellency Ambassador Idrissov, representing the Republic of Kazakhstan.

I do want to mention that there was a—they mentioned earlier concerning that if Kazakhstan does receive the Chairmanship, if the Chairmanship of Kazakhstan will have any impact in terms of the influence that Russia would have—and I think the usage of the Georgia crisis as an example that was raised here, my understanding is that Russia sought the support of the Central Asian countries and unanimously they rejected it.

And I think the logic that went with it—and correct me if I'm wrong on that, Mr. Ambassador—was that they might be next if this kind of consent or consensus is given to Russia or to any other country, an attack in a free world. Am I correct, Mr. Ambassador, that's what happened? Does President Nazarbayev have any influence on the basis of why the Central Asian countries rejected that effort made by Russia when the crisis in Georgia occurred?

Amb. IDRISOV. Well, it was just on a simple reason: We are strongly against violence. We are strongly against all forms of violence. But if you go further to that, there are a number of aspects of this story and this decision was taken during the Shanghai Group meeting, and the Shanghai Group, in meeting, did not approve what has happened in Georgia.

So we were part of that process. And, as I said, the reasoning for that was very simple: We are strongly against any forms of violence and we are strongly against undermining the integrity of any nation state. That will be the philosophical reason, if you like.

Mr. FALEOMAVAEGA. Mr. Chairman, I have a couple of observations, listening to our colleagues in earlier statements concerning whether or not Kazakhstan should serve as chair of this important organization. And I think my good friend from Florida seems to have the same sense of perspective about here we have a country that has come out of communism for 17 years to achieve all of the principles of democracy and all that we have discussed in the whole dialogue that we have taken.

It took us 150 years to recognize the rights of Black Americans. By our own Constitution we recognized a human being as three-fifths of a person. And it seems that overnight we're expecting Kazakhstan to come up to the standards that it has taken us over 200 years to achieve. And I might want to ask also—our two experts here on the situation have given what levels of democracy

that 56 countries that make up this Commission, are they of the same level in terms of—what form of democracy are we comparing all these other countries with? The United States? Our election process; that nine people have to decide who should be the next President?

I'm just curious—Dr. McGlinchey mentioned something about that Kazakhstan is somewhat of a mafia-oriented state. This is his theory, and I respect Dr. McGlinchey's theory about the country being a mafia state. Mr. Chairman, I've been to Kazakhstan. I'm probably the first Member of Congress who went to ground zero, where the Soviet Union exploded its first atom bomb, and to this day that place is still radiated with radioactive—I say this because of my own personal experience, Mr. Chairman.

I've been to the Marshall Islands where we conducted 67 of our nuclear explosions. To this day—if you talk about human rights violations, the Marshallese people, to this day we still have not given proper medication and treatment on what we did. And I suspect that the people in Kazakhstan, 1.5 million Kazakhs were exposed to nuclear radiation on account of the Soviet Union exploding over 500 nuclear bombs.

So when we talk about human rights, I want to put it in proper perspective, and whether or not the people of Kazakhstan have had some very, very serious problems to contend with in becoming a Communist country and, overnight, trying to develop a democracy. I kind of like to think that democracy is an evolving process and an experiment. I don't see it as a perfect form of government overnight because even in our own democracy we're still evolving. We're still trying to figure out what it means, human rights. Let's talk about renditions. Let's talk about Guantanamo. So I give that perspective, Mr. Chairman.

I went to visit a synagogue that was just completed in this construction in Kazakhstan, very impressive in the fact that as far as anti-Semitism is concerned, I certainly did not get any education whatsoever that there was religious intolerance as far as the government is concerned in its practice and its efforts to make sure that the people in that country do tolerate, do allow people from all different religious persuasions to worship as they may. And with that, Mr. Chairman, I just wanted to know—I do want to ask Ambassador Idrissov if he has any response to Dr. McGlinchey's observations about these three theories that your form of government is somewhat of a mafia-related state. Can you respond to that?

Mr. CARDIN. In all fairness to Dr. McGlinchey, I don't think—he was using an analogy in history but was very clear not to defame Kazakhstan. So I just want to make sure the record is clear on that point.

Amb. IDRISOV. So my response will be also very short. I, too, could add a theory. We have our own reason and strategy for development. Therefore we base it on our history and our understanding of things. And I once again want to assure this Commission that our part for future growth is a dual track of liberal, economic, and political development, and we are not going to hesitate on this road.

Mr. FALEOMAVAEGA. With that, Mr. Chairman, thank you so much.

Mr. CARDIN. Thank you. Thank you for the observations.

Mr. LENNMARKER. Thank you. And we emphasize that development to human rights and democracy is a journey. None of us can go within 1 day or 1 year. One of the important parts in that journey is to have a constructive opposition. I usually say I'm in the government party myself, but of course every governing party does its mistakes, and we need a viable, constructive opposition to help the government.

My question to you, Mr. Ambassador, is there any mechanism now that you have to include or to listen to the opposition voices in your country, knowing that you now have a one-party Parliament. But nevertheless, you can find mechanisms to include and to listen to a constructive opposition. Do we have such a mechanism?

Amb. IDRISOV. Yes. Thank you very much for your question, and please be assured that we fully understand that constructive opposition is an important element to our evolving growth. In fact, I do not want people to take the situation as if in Kazakhstan is a complete vacuum and no one exists. The fact that we sit with Mr. Zhovtis on this panel is a testimony that we have a growing society and we develop a culture of having as meaningful and civilized debate.

Opposition have their own parties and their circulation is counted in millions. The new amendments have further provided ways to help the opposition to grow from itself. The fact is that the government cannot grow the opposition by itself. It would be ridiculous, of course, but we understand our role to make the environment conducive to that. It is for the public and for the opposition parties to grow and mature. We try to understand—to remove the unnecessary obstacles from the way. Maybe there are some obstacles so far here in the situation.

And the culture is different. We understand that. And, by the way, please try to understand that opposition people do not come from another country. They are not from the moon. They are from the same society. They have the same shortcomings; they have the same cultural barriers in building their own understanding of things in Kazakhstan. We are one society. We are one country.

Therefore, I think that eventually we will have a strong opposition. And I personally, for example, respect what Mr. Zhovtis is doing in the opposition blogs, so to say. We have important members in our society who are very good speakers for their causes, for their interests and for their ideas, and I think that we have a multiplicity of forums where we involve different groups to engage with each other.

For example, a discussion on the legislation on election. I think all the groups are part of that discussion. This is a form of involvement and engagement and helping the political parties to mature—not only opposition parties but other parties. Eventually I personally believe it will be good for Kazakhstan with the small population to come, along with two or three strong parties. We don't have to have dozens of parties in Kazakhstan for a population of

16 million people. They have to be more solid, they have to be more representative real of the people. This process is in the making.

I personally believe that our opposition parties are weak because we don't have strong leaders there. And as a member of the society I can comment—I can comment, and I wish to see the growth of strong leaders from any quarters in Kazakhstan. This will make our society more viable. And please believe me that the government does not see as its task to suppress everything. We are trying to find the best way for our growth. We are in search of that growth. We are evolving. We are—as I said, we are in a very challenging journey, and everyone is part of this journey, both Mr. Zhovtis and myself and the government and other representatives in our society.

Therefore, we do not want to kind of do the job of our growth in a moment only as the job of the government. It's our collective effort of the entire society in Kazakhstan, and I think that we have to observe the very important aspect of growth of Kazakhstan through the generation change. Therefore, the Government of Kazakhstan is investing a lot of money in ensuring the best possible education for the young generation. The major changes in Kazakhstan, I am personally convinced, will come through generation changes, and this is yet to be seen. Thank you.

Mr. LENNMARKER. Could I just have a last question, and that is you have made a priority of having a summit, and you exemplified it in your written statement with the—what is that, the security—European Security Treaty. There are some principles that are very important. One is to base security on values, human rights and democracy, which I think is a cornerstone of European security, the wider European security.

The other is a respect for small countries. Small and big countries have the same rights. There is no right of deciding or influence for a bigger country. The third, which I think is important for Kazakhstan, is the right for landlocked countries to have access to the wider world, not be discriminated against. And that's extremely important for you and your neighbors in Central Asia and the Caspian area. What is now your positions on these three very important matters?

Amb. IDRISOV. Well, as far as the last point is concerned, Kazakhstan is the largest land-locked country in the world. So of course we are deeply taking these issues into the heart. Therefore I said that in the economic and environmental basket, we are trying to concentrate on the transit potential of Eurasia space. So we want to use the potential of OSCE to encourage dialogue and practical achievements in this area.

The summit idea and the overall security is of course a very challenging task. We understand the difficulties of different ideas which are being aired. So it's a long discussion, of course, and the big nations didn't come yet to a common understanding of the situation. Therefore, it's not for me within 2 minutes to cover this aspect. But we—as Chairman, we see our role as to facilitate this dialogue. We identified the important partners, important place in this process. Through talking to them we identified that they also have concerns about Euro-Atlantic security or European security.

There are different ideas on both. There is President Medvedev's idea. Mr. Sarkozy—President Sarkozy has also voiced his support for that. And we see the rationale and we fully support what he said, that any efforts on building or restructuring the European security should be based on the OSCE platform, on the three baskets.

Therefore, we are supporters of the three-basket approach and indivisibility of the security. There should be no divisions within the organization. Therefore it is a matter of key players and all the membership to sit down and agree on what areas they can enhance their understanding of security and maybe redrawing certain rules and habits and culture within that.

Therefore, a summit is very useful for that because for 10 years we never had a meaningful dialogue at the top level within OSCE membership. Yes, we understood that there was no agenda for that. We hope that in 2010, with so many landmark events, we will have a good reason and a very valid agenda for the top leaders to come and discuss the future of the organization, and through that the future of our security in that entire Eurasia space. Thank you.

Mr. CARDIN. Well, thank you. The record will stay open. Mr. Zhovtis, you may want to comment on the Internet that Mr. Smith was interested in. I'm going to ask you to do that, if you could, for the record because we really have run out of time here today. So to complete it—I know it's in your statement. If you want to add to it, it will be very helpful to us and we'd appreciate it.

Mr. ZHOVTIS. I will give you only one example and it will explain everything. If you will come to Astana and not far from the building of the government, you will come into the Hotel Ambassador, where usually the foreigners are staying. And then you switch on Internet. You could enter any site you want. If you go out, I could count at least 10 Web sites which you never could open because these sites are blocked. And this is very easy to explain how it works.

Mr. CARDIN. Thank you. I want to thank all of our witnesses, and particularly the Ambassador, for your time. You've spent a lot of time with us this morning. We appreciate that. Kazakhstan will be the chair in office come January 2010.

I think all of us are looking forward to this as being a very positive development within the OSCE framework, giving us opportunities for advancement, but we also look at it as an opportunity to advance the adherence to OSCE principles in all the OSCE states with the chairs state being a model for how development can move forward.

And I think today's hearing has helped us in trying to focus on that, and I assure you that we'll continue to have interest in our commission and work with the interested parties in a very constructive way. Again, thank you all very much for your participation, and with that the hearing will stand adjourned.

[Whereupon the hearing was adjourned.]

APPENDICES

PREPARED STATEMENT OF HON. BENJAMIN L. CARDIN, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Ladies and gentlemen, welcome to the third in a series of Helsinki Commission hearings on Kazakhstan, which takes over the OSCE Chairmanship next year. In our first hearing, before the OSCE approved Astana's candidacy, we examined Kazakhstan's human rights record and related fitness for the position, as well as the implications of a Kazakh chairmanship for the OSCE and for the United States. Last July, the Commission looked at Astana's progress in implementing reforms pledged by Foreign Minister Tazhin at the OSCE Ministerial in Madrid in November 2007, which were critical in gaining support by the United States and other countries for Kazakhstan's bid.

This hearing continues that examination, as we rapidly approach January 2010. With time growing short, our purpose is to see what has been done, what remains to be done, and how the US Government and the Helsinki Commission can help promote and accelerate the reform process. I want to stress that we all have a large stake in Kazakhstan's successful chairmanship.

Kazakh and international human rights organizations have carefully tracked Kazakhstan's record. We will hear today in detail about the pluses and minuses of the legislative package passed at the end of last year. But I believe it would be fair to conclude that the human rights community in spring 2009 still has serious concerns.

So I was disturbed to read that the Speaker of Kazakhstan's upper house of parliament recently told the Director of the ODIHR that certain ODIHR recommendations "cannot be taken into account fully due to the specifics of our country."

In that connection, I recall that when the US delegation to the OSCE Parliamentary Assembly met President Nazarbaev in July and asked about human rights and democratization, he told us his country "cannot move faster than his giant neighbors Russia and China."

It appears, therefore, that Kazakhstan does not intend to fully implement reforms recommended by the OSCE before taking charge of the organization. And Kazakh officials, it seems, have any number of reasons not to carry out reforms both needed and promised. But instead of excuses for inaction or half-measures, I would like to hear from them when substantive political change will take place that make Kazakhstan an exemplar of democracy and human rights observance.

Our witnesses today will enlighten us on these important issues. Before we hear their testimony, let me call on Co-Chairman Hastings for his remarks.

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

Thank you, Mr. Chairman, and I commend you on holding this hearing. As you know, I have long been involved with Kazakhstan and was a staunch supporter of Astana's candidacy to chair the OSCE. I urged the U.S. Government to back Kazakhstan's bid and was gratified when Washington joined other capitals to make Kazakhstan the first country from among the former Soviet states to lead the OSCE.

Now, I was never blind to the problems with Kazakhstan's record on democratization and human rights, of course. Over the years I have met with many human rights activists to discuss these issues. I was well aware that OSCE monitors have yet to bless an election in Kazakhstan as free and fair. Nor was I uninformed about longstanding problems with freedom of the media, assembly, association, or corruption, or the difficulties encountered by minority religions, or the one-party parliament or the occasional suspicious death or murder of opposition figures.

But I believe in inclusiveness, as a general principle and as a means of attaining goals. My position was that the OSCE would be worse off if Kazakhstan's bid was turned down than if a Central Asian country with a less than perfect record became chairman in office. I suppose reasonable people can differ about this. But I stand by my position—with the acknowledgement that not all my hopes have been validated.

Nevertheless, I also believe that promises are meant to be kept. I was in Madrid in November 2007 and listened to Foreign Minister Tazhin's speech, in which he made specific pledges of reforms. In fact, Minister Tazhin is in Washington this week and I regret that our schedules did not permit us to discuss in person these issues. Had we met, I would have told him that to judge by the careful conclusion of human rights groups, the reform package introduced late last year does not go far enough. And some drafts, like that on the internet, are more cause for worry than rejoicing.

In only half a year, Kazakhstan will take up its responsibilities as the CIO of the OSCE. That's not a lot of time. But on the other hand, given the requisite political will in Kazakhstan, it's more than enough to make the changes that would assuage the concerns of human rights activists and the international community—as well as justify my own faith in the rightness of gambling on the best in people.

I look forward to the testimony of our expert witnesses.

PREPARED STATEMENT OF HON. ENI F.H. FALEOMAVAEGA (D-AT LARGE) A DELEGATE IN CONGRESS FROM THE TERRITORY OF AMERICAN SAMOA

Chairman Cardin, Chairman Hastings, Distinguished Members of the Helsinki Commission:

I am grateful for the opportunity to testify before you in support of the Republic of Kazakhstan to chair the Organization for Security and Cooperation in Europe (OSCE) in 2010. Kazakhstan continues to prove itself as a strong ally of the United States and has made great strides in the last 17 years toward transforming itself from communism to democracy.

I am here because I believe that as a nation we must support, encourage, and work with countries that are earnestly striving to implement the values that are embraced by this commission—particularly those from the former Soviet Union. They need our leadership and support as they labor toward establishing democracy. Among these nations, Kazakhstan rapidly has set an example for others to follow.

Kazakhstan became the first to declare its independence from the former Soviet Union and to form an alliance with the United States. Under President Nazarbayev's leadership, it voluntarily dismantled the world's fourth largest nuclear arsenal and allowed the use of its airbases in the war against terror.

Since 9/11 and in regard to the U.S. coalition operations in Afghanistan, President Nazarbayev has allowed overflight and transshipment to assist our efforts. U.S.-Kazakh accords were signed in 2002 on the emergency use of Kazakhstan's Almaty airport and on other military-to-military relations. The Kazakh legislature also approved sending military engineers to Iraq in May 2003. These were welcome resources, but the alliance does not end there.

Kazakhstan support for the United States is also evident in its people. According to U.S. State Department polling data, more than 63 percent of the people of Kazakhstan have a favorable opinion of the United States. Certainly, this is reflective of President Nazarbayev's leadership. While Kazakhstan still has challenges ahead, it embraces democratic principles and continues on a firm path toward democracy.

Certainly we can understand how difficult that path can be. America itself is striving daily to become a nation that better embodies those democratic ideals that inspire us. We know that we can do better in the areas of human rights, tolerance, the administration of justice, and we have had more than two-hundred years to work on this. Kazakhstan has had seventeen. We were able to work through much of our transition without the 24/7 scrutiny of the media. Kazakhstan has had no such opportunity.

As Chairman of the Foreign Affairs' Subcommittee on Asia, the Pacific, and the Global Environment, which includes broad oversight for U.S. policy affecting Central Asia, including Kazakhstan, I believe Kazakhstan's efforts should be recognized and supported, as they were when the 56 member nations of the OSCE elected Kazakhstan as its chair.

Having worked with His Excellency Kanat Saudabayev, Kazakhstan's former Ambassador to the United States, now Secretary of State, for some seven years during his tenure in Wash-

ington, I spearheaded an initiative in September 2007 recommending Kazakhstan to Chair the OSCE in 2009. A number of my colleagues supported my initiative and joined me in sending a letter to Secretary Rice asking her to also support Kazakhstan's bid. I am pleased that those efforts led, in part, to the U.S. supporting Kazakhstan's acceptance for 2010.

On several occasions, I have personally met with President Nazarbayev, here and abroad, and I am fully aware of his efforts to strengthen and promote democracy. They are genuine and have been recognized throughout the world, even by Britain's former Prime Minister Margaret Thatcher. While President Nazarbayev has taken bold steps to bring Kazakhstan out from under the yoke of communism, he still faces many challenges and, although his record may not be perfect, as David Wilshire, Head of the delegation of the Parliamentary Assembly of the Council of Europe, noted, "Building a democracy is a long and hard task."

Given the time it has taken America to elect its first African American President, I tend to agree with Mr. Wilshire's assessment. I also support President Obama's vision. In his inaugural address, President Obama emphasized that "America is a friend of each nation and every man, woman and child who seeks a future of peace and dignity." I believe the 56 member nations of the OSCE share this sentiment. They, too, are ready to lead and welcome those who are on the path to democracy.

This is why I am hopeful that we will come together and support Kazakhstan's bid. Today, Kazakhstan is the most stable and prosperous nation in Central Asia—the first country in the Commonwealth of Independent States to be granted market economy status by the United States. More than 300 U.S. companies account for the largest share of Foreign Direct Investment (FDI) in Kazakhstan. By 2015, Kazakhstan is expected to be one of the top ten oil producers and exporters in the world, with reserves comparable to Kuwait's. With more than 130 ethnic groups and 40 faiths living in peaceful coexistence, Kazakhstan is also a model for religious tolerance.

Considering that until 17 years ago Kazakhstan had known no democratic past, we cannot nor should we ignore the bold steps President Nazarbayev has taken to bring Kazakhstan out from under the yoke of communism. And, if advancing freedom and moving forward with democracy is our goal, Kazakhstan should be our choice to head the OSCE. Kazakhstan deserves our friendship, and I urge your support.

Thank you.

PREPARED STATEMENT OF HON. GEORGE A. KROL, DEPUTY ASSISTANT SECRETARY FOR SOUTH AND CENTRAL ASIAN AFFAIRS, U.S. DEPARTMENT OF STATE

Mr. Co-Chairman, and Members of the Commission, thank you for inviting me. I'm pleased to be here to talk about U.S. policy towards Kazakhstan. I also want to thank the Committee members for their interest, continued engagement and leadership on U.S. policy in Central Asia. The Helsinki Commission has demonstrated exemplary leadership and bipartisan cooperation in forging a strong, sustained partnership between the United States and the five Central Asian countries.

Central Asia is a region of significant importance to U.S. national interests. Recognizing the uniqueness, sovereignty and independence of each of the five Central Asian nations, U.S. policy supports the development of stable, democratic nations that are integrated into the world economy and cooperate with one another. The United States and our partners also support advancing regional security and stability. We do not view Kazakhstan or any other Central Asian nation as within any external state's special sphere of influence; rather we seek to maintain mature bilateral relations with each country based on our foreign policy goals and each country's specific characteristics and dynamics.

Kazakhstan established its credentials for leadership early. It was the first country to renounce its nuclear weapons voluntarily after the break-up of the Soviet Union. Kazakhstan contributed to coalition efforts in Iraq where it deployed eight rotations of engineering troops to Iraq between 2003 and 2005. Kazakhstan is providing humanitarian assistance and implementing reconstruction programs in Afghanistan. It has also provided significant support to Operation Enduring Freedom by permitting more than 4,500 over-flights for U.S. aircraft en route to Afghanistan. Kazakhstan readily agreed to participate in the Northern Distribution Network transit agreement for supplies flowing to U.S. and International Security Assistance Forces in Afghanistan. Multi-ethnic, multi-confessional Kazakhstan is a generally tolerant society.

The United States-Kazakhstan partnership has three primary goals. First, we seek to advance democratic and market economy reforms. Second, we aim to bolster Central Asian sovereignty and independence, fight terrorism and stem narcotics trafficking. Kazakhstan is a strong and reliable partner on non-proliferation. Through the Nunn-Lugar Cooperative Threat Reduction program Kazakhstan has cooperated extensively with the U.S. for over a decade to ensure that Weapons of Mass Destruction-related materials and technical knowledge will not fall into terrorist hands. Third, the U.S.-Kazakhstan partnership seeks to foster the development of Central Asia's significant energy resources. U.S. companies are cooperating with Kazakhstan to develop its tremendous oil and gas resources. They hold major stakes in Kazakhstan's three largest oil and gas projects, Tengiz Karachaganak, and Kashagan.

While Kazakhstan has been among Central Asia's leading countries in the development of democratic political institutions, civil society and the independent media, these institutions remain underdeveloped in Kazakhstan; the presidency dominates the political system; and the parliament elected in 2007 has representation

from only one political party—the President’s. We regularly encourage the government to move forward by taking concrete steps toward reform, all we have assistance programs to promote democratic reform, respect for religious freedom and the development of civil society and independent media.

We backed Kazakhstan’s candidacy’s Chairman in Office of the Organization for Security and Cooperation in Europe, but recognizing its mixed record on political development, we asked Kazakhstan to delay its Chairmanship from 2009 to 2010 so that it would have time to undertake several democratic reforms. At the 2007 Madrid Ministerial, Kazakhstan publicly pledged to pass legislation that would modernize the election and media laws and liberalize the treatment of political parties by the end of 2008. It also vowed to support the Organization for Security and Cooperation in Europe’s Human Dimension and the autonomy of the Office for Democratic Institutions and Human Rights.

On February 6 and 9, President Nazarbayev signed into law the amendments to the election, political parties, and media laws, which were aimed at fulfilling Kazakhstan’s Madrid Ministerial commitments. While not fully addressing its commitments this legislation marks a step forward on Kazakhstan’s democratic reforms.

On April 14, the Presidential Human Rights Commission unveiled Kazakhstan’s first National Human Rights Action Plan. The Action Plan for the period 2009–2012 is now before President Nazarbayev for signature. Among other proposals, the Action Plan recommends further liberalization to the recently amended laws on elections, political parties and media.

With respect to the law on elections, Kazakhstan amended the law in 2008 to ensure the presence of at least two political parties in the Mazhilis, thus excluding the possibility of a single-party Parliament, as is currently the case. In the event that only one party passes the seven percent threshold, the party gaining the next largest percentage of votes will be given mandates in proportion to the votes they received. The National Human Rights Action plan recommends that the election law be further amended to lower the electoral threshold for a party to get seats in parliament from seven percent of the vote to five percent.

With respect to the treatment of political parties, in 2008 Kazakhstan simplified the registration procedure, lowered the number of party members necessary for party registration from 50,000 to 40,000 on a national level, and established regulations on the state funding of political parties according to the number of seats gained in the Mazhilis. The National Human Rights Action Plan recommends that the minimum number of signature necessary to register a political party be lowered from 40,000 to 35,000 and further recommends that representatives of opposition parties be allowed to participate in election commissions at all levels.

Kazakhstan amended its media law in 2008 to remove registration requirements for electronic media and significantly ease registration requirements for all other media. The new legislation also put journalists on an equal legal footing with plaintiffs in libel cases. The National Human Rights Action plan recommends that by 2011, the government decriminalize libel, further improve and streamline the process of media-outlet registration, adopt a new law on access

to government information, and institute a statute of limitations on libel cases.

While not raised in the context of Madrid religious freedom is a core Organization for Security and Cooperation in Europe commitment and we are engaging Astana to protect and improve respect for this important right. In 2008, the Organization for Security and Cooperation in Europe provided a valuable critique of the restrictive amendments to Kazakhstan's religious law adopted by the Parliament in November 2008. The Constitutional Council ruled in February 2009 that the restrictive amendments violated the Constitution. Kazakhstan should consult with the Organization should it choose to consider new religion legislation.

In early 2009, Kazakhstan's Parliament began considering draft legislation that would restrict freedom of expression via the Internet. For Kazakhstan to meet its Organization for Security and Cooperation commitments to wider and freer dissemination of information and freedom of expression, Kazakstani law should not restrict freedom of expression by the people of Kazakhstan via the internet. We expressed this view on May 6 in Vienna at a Permanent Council meeting of the Organization for Security and Cooperation in Europe.

In addition, Kazakhstan pledged in Madrid to support and preserve the current mandate of the Office for Democratic Institutions and Human Rights within the Organization for Security and Cooperation in Europe, including the integrity of its election monitoring efforts. In Vienna, although it forms part of the Organization for Security and Cooperation troika Kazakhstan has not yet begun to play a proactive role in debates on Human Dimension issues. We look forward to Kazakhstan's defense of these human dimension principles when it assumes the chairmanship.

We now look to Kazakhstan to continue its work towards fulfilling its Madrid Ministerial commitments in cooperation with the Organization for Security and Cooperation in Europe and the Office for Democratic Institutions and Human Rights, and to bring its laws fully in line with all of its Organization for Security and Cooperation in Europe commitments. We have asked our European partners to help, and we have encouraged direct engagement by the Office for Democratic Institutions and Human Rights.

We continue to have concerns about Kazakhstan's human rights record. More than 60 defamation lawsuits targeted six independent news outlets and their reporters last year. A libel conviction and \$200,000 fine forced the weekly newspaper "Taszharghan" to close in April for damaging the honor and dignity of a member of the Kazakstani parliament. In recent months, we have raised questions about several unexplained attacks on journalists, seemingly targeted blockage of opposition-oriented Web sites, and criminal charges against several opposition figures.

That being said, we see new signs today that civil society is growing in Kazakhstan. Government-approved "public associations" provide platforms for open public discussion of a broad range of public opinion. The print media regularly expose public corruption and government abuses of authority. The Committee structure in Parliament is also growing stronger and provides for publicized testimony of a broad range of opinion.

Looking forward to next year, the United States believes that a successful Kazakstani chairmanship of the Organization for Security and Cooperation in Europe will be one in which Kazakstan defends the human, economic and political principles upon which the organization was founded, and to which Kazakhstan has committed itself as a participating State. We look forward to close coordination and frequent communication with Kazakstan as it prepares to take this role.

Our broader vision is for a strong, independent, and democratic Kazakhstan that is a leader and anchor of stability in the region. We believe Kazakhstan service as Chairman in Office of the Organization for Security and Cooperation in Europe will help serve that broader vision. We hope that together, Congress and the Administration will continue to support Kazakstan's efforts to advance democratic and economic reforms as the United States' partnership with Kazakstan continues to grow and strengthen.

Thank you and I'd be happy to take your questions.

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

Chairman Cardin, Chairman Hastings, distinguished members of Congress and the Commission on Security and Cooperation in Europe, dear fellow panel members and attending guests, it is an honor for me to be here. As Kazakh Ambassador to the United States, I have much to report about our country and its bold journey towards democracy.

Like refitting a ship while it is under sail, the task of political, economic, and social reform can be daunting and at times even uncertain. But a significant progress is made. Opportunities are realized. And hope in the promise of even better things to come compels us forward. This is what I will speak of today, and how the history and strategic value of Kazakhstan qualify it uniquely to serve in the chairmanship of the OSCE. I will also share with you our vision and agenda attendant with that chairmanship.

As I speak, I want you to know of the gratitude we have to the leaders of this commission, for your counsel, and the guiding influence that is felt and appreciated in Astana. Few things can be as dangerous as building a bridge while you walk on it. But Kazakhstan's transformational leaders moving the ninth largest country in the world from communism to democracy are emboldened by cooperation with the Helsinki Commission.

While we are proud of our accomplishments early on, we recognize that this was only the beginning. It was the foundation for greater things to come—the foundation for advances in constitutional reform, the rule of law, free and fair elections, an empowered parliament, and civil liberties that emphasize human rights, including freedom of the press and the freedom to worship.

This progress has taken place not throughout centuries, but remarkably within 17 years. The example of America—the world's beacon of liberty—demonstrates that Democracy is a journey. For young Kazakhstan full Democracy is not the start, it is rather the destination through an exciting and challenging journey. We are proud that we have successfully embarked on that journey and we are motivated by the milestones that we have already achieved.

Among them is the reform of the judicial system and a multi-party parliament, with open and monitored elections. The presidential term has been reduced from seven years to five, and media reforms provide equal coverage to all candidates and parties. The rights of individuals are being upheld in jury trials, often against state and local authorities. And Kazakhstan is a leader in efforts against human trafficking.

The milestones, Mr. Chairman, are tangible. We are a multi-ethnic state. We affirm respect for all. There are more than 4,000 religious groups representing 46 denominations. There are 1,000 Protestant Christian organizations with 600 chapels, 281 Orthodox organizations with 257 churches, 82 Roman Catholic churches, 28 synagogues and 1408 registered mosques in Kazakhstan.

Since our independence, all religious groups have seen considerable growth in numbers and popularity. During a visit to Kazakhstan, late Pope John Paul II affirmed that the guarantee of

“rights and freedoms, the spirit of openness and cooperation [are a] part of [Kazakhstan’s] tradition.”

The Union of Evangelical Christians and Baptists, Presbyterians, Lutherans, Pentecostals, Jehovah’s Witnesses, Seventh-day Adventists, Methodists, Mennonites, Mormons, Hare Krishna followers, as well as Baha’is, Christian Scientists, and the Unification Church are all active in Kazakhstan. As our Chief Rabbi Yeshaya Cohen has testified before the Conference on Human Rights and Religious Freedoms, “In Kazakhstan, every religion and faith enjoys complete freedom of expression and government support and can well serve as an authentic model to all countries with regard to preventing and eliminating anti-Semitism and terrorism.”

So firm is our commitment, that even earlier this year an attempted amendment to the law on religious freedom that would have possibly created restrictions was ruled unconstitutional. And similar milestones attest to the freedoms enjoyed by the media and the non-governmental organizations that often serve watch over our progress. From a handful of media outlets—most of them official government oracles—today Kazakhstan has more than 2,000 media resources, 85 percent of which are non-governmental. Periodicals, television, and radio provide news and entertainment in a dozen different languages. Kazakhstan welcomes almost 100 media agencies and corporations from all over the world. CNN, BBC, Radio Free Europe, Voice of America, Deutsche Welle, the Associated Press, Interfax . . . they are all there, along with transparency in government programs and access to resources and information. At their side are some 5,000 NGOs, operating freely in political life, civic development, human rights, business, the environment, health care, and gender policy.

The years 2008 and 2009 have seen further important milestones in our reform process: our laws on elections, political parties, media and local governance have been seriously improved in close cooperation with the OSCE, Organization’s Office Testimony for Democratic Institutions and Human Rights (ODIHR) and the OSCE Representative on Freedom of the Media as well as Kazakhstan’s and international NGOs. Given the limited time and space for this testimony, we prepared detailed written briefs on all these improvements which I sent earlier to the Helsinki Commission through you and which are available in this chamber for everyone to enjoy.

Are we where we want to be, Mr. Chairman? No. True democracy is a journey. Are we pleased with our progress? Yes. It has been rightfully and unanimously recognized by the 56 member nations of the OSCE in their selection of Kazakhstan to chair the organization in 2010. This is a role that not only honors Kazakhstan’s progress, but it is one for which our nation is uniquely prepared.

We are prepared not only through the rigors and lessons that attend our democratic journey, but through integrated and organizational efforts to assume the chairmanship—efforts that have been, and remain, our highest priority. Toward this end, we have already commenced working with our Finnish and Greek partners to ensure a cohesive and constructive operation of the OSCE. In March, we participated in the first joint meeting of OSCE and EU Troikas, to discuss the Georgian and Balkan issues, as well as architecture

for European Security. We have established a full and separate permanent mission to the OSCE and created a task force within our Foreign Ministry to coordinate work with OSCE countries. We are training personnel at OSCE offices and in the foreign ministries of nations that have formerly served as chair.

As chairman, Kazakhstan is dedicated to advancing the three dimensions of the OSCE, strengthening the Organization and making it even more effective—building on the work and successes of past chairmen. This will be important in October of this year, when the transfer of chairmanship from Greece to Kazakhstan begins. We will have trained hundreds of diplomats, liaison officers, officials, managers and clerical personnel to ensure a constructive and successful process.

This constructive and cooperative effort will ensure that progress will continue apace in the military-political dimension, where we will focus on meeting new challenges and counteracting new threats, such as terrorism, extremism, organized crime, and trafficking of humans and narcotics. We will work to leverage OSCE capabilities for post-conflict rehabilitation of Afghanistan, to promote stability in the region, and to explore OSCE capabilities and resources in an effort to strengthen non-proliferation of hazardous materials and weapons of mass destruction.

In the economic and environmental dimension, Kazakhstan as chair of the OSCE will focus on promoting continued development of Eurasia's transportation infrastructure. Likewise, we will explore the potential of the Organization to address and influence the resolution of regional environmental challenges. Those who know the consequences our nation is suffering with the disasters associated with the Aral Sea and the former Soviet nuclear testing site of Semipalatinsk know how important environmental issues are to Kazakhstan, blessed as it is with beauty and natural resources.

In the human dimension, we intend to emphasize through OSCE leadership the work we have undertaken internally, and that is the promotion of tolerance, non-discrimination, inter-cultural dialogue, and other human rights. One of our initiatives in this undertaking is to coordinate a roundtable to address the issue of tolerance on the eve of the Third Congress of Leaders of World and Traditional Religions, which will be held in Astana on July 1st and 2nd, 2009. We also intend to host in 2010 a major OSCE Conference on anti-Semitism and on other forms of intolerance. As OSCE Chairman Kazakhstan commits itself to work with ODIHR and other OSCE partners as closely as possible to maintain and enhance its mandate and important role.

Mr. Chairman, the Republic of Kazakhstan is honored to have been selected by the members of the OSCE to serve as chairman of the Organization in 2010. It will be the 35th anniversary of the Helsinki Final Act, the 20th anniversary of the Charter of Paris for a New Europe, and the 65th anniversary of the end of World War II. We place the work and responsibility of the OSCE within the context of these historic occasions, acknowledging the responsibility that leadership of the Organization entails. We also see a pattern to these events and will aspire that the year 2010 is marked by a major meaningful summit of the leaders of OSCE member states to discuss the common challenges for the OSCE and identify the

way forward for the Organization. We recognize the historic march of democracy, bringing with it freedom, economic opportunity, and the hope for peace and security to people and nations throughout the world. As chairman of the OSCE, the Republic of Kazakhstan will strive to continue that effort, making the OSCE even more influential and relevant for its member nations—building on the past while remembering in the process that democracy is an exciting journey.

Thank you.

**PREPARED STATEMENT OF YEVGENY ZHOVTIS, DIRECTOR,
KAZAKHSTAN INTERNATIONAL BUREAU FOR HUMAN
RIGHTS AND RULE OF LAW**

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.

A year and a half ago, in October 2007, I had the honor to speak here about the challenges of democratic development, the rule of law and human rights implementation in my country. It was before OSCE member-states have made their decision regarding Kazakhstan chairmanship in this organization.

At that time many of the human rights organizations, both inside the country and internationally, expressed their concern regarding the fact that this decision has been guided basically by geopolitical, economic and energy considerations, and as a result the country, falling far behind OSCE standards in the human rights area and primarily in the area of political rights and civil freedoms, would chair the OSCE.

Back in those days many people believed that this decision and Kazakhstan chairmanship in OSCE would encourage democratic process in our country, would give a chance to bring legislation and practice closer to international standards in the area of democracy and human rights, which has been, among other things, declaratively confirmed by the Minister of Foreign Affairs Mr. Tazhin, who promised in 2007 in Madrid liberalization of legislation pertaining to elections, political parties and mass media.

Mention should be made that the decision on chairmanship of Kazakhstan in OSCE was made regardless the amendments into the Constitution and election legislation endorsed in 2007, which enhanced the authoritarian nature of the current political regime (I am leaving with you the review of these amendments made by us), and notwithstanding parliamentary elections that took place the same year, as result of which not a single representative of political opposition has been elected to the Parliament regardless the fact that four, as a minimum, oppositional political parties with formal total number of not less than 250 thousand members participated in the elections. The current Parliament and all the local representative power bodies consist almost by 100% of the representatives of the only party "Nur-Otan", which by its formation mode, functioning methods and propaganda scope reminds more of the Communist Party of the Soviet Union.

It is fair to say that since the time the decision on chairmanship of Kazakhstan in OSCE has been made the authorities undertook a number of steps, which could be viewed as positive.

Firstly, this is the ratification of the Optional Protocol to International Covenant on Civil and Political Rights, which allows Kazakhstan people to address the UN Committee on Human Rights with individual complaints.

Secondly, this is the ratification of the Optional Protocol to UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in line with which Kazakhstan has to create an independent system of visits of all the custody places

in the space of the current year, and this work is going on rather actively with the participation of Kazakhstan Ombudsman.

Thirdly, these are the statements made by the authorities regarding Articles 21 and 22 of the UN Convention against Torture, which allows the citizens of Kazakhstan to address the UN Committee against Torture with individual complaints.

And finally, while listing positive things mention should be made of improved openness of state power structures, their preparedness to constructive cooperation with non-governmental organizations, setting up a number of advisory bodies, working groups, public councils, within the framework of which a more intensive dialogue is going on between the power bodies and civil society.

However this is all as far as positive things are concerned. Unfortunately the rest of the talk should be about serious concerns and negative trends.

In the mid of the last year a group of leading non-governmental human rights organizations of Kazakhstan set up a Coalition "Kazakhstan OSCE 2010," which monitors the implementation of commitments of Kazakhstan within the OSCE framework, including promising statements made by Mr. Tazhin. The Coalition has published a number of reviews; the latest ones are on display here for you. At the end of the last year amendments and additions were made into the legislation related to elections, political parties and mass media, which were of ornamental, make-up nature, not changing anything in reality. And if amendments into the media-related legislation at least have not changed anything to worse, amendments into the legislation pertaining to political parties created additional challenges for the formation of political parties having introduced a two-stage procedure for political party registration, first its organizational committee and then political party itself. By the way, when speaking here in 2007 I gave as an example a lengthy registration of the oppositional party "Alga". In a year and a half this party is still unregistered.

Amendments introduced into election legislation have not taken into account any of the five principal and essential proposals made by the oppositional political parties and human rights organizations. In the course of the local elections into representative power bodies held in Almaty in spring of the current year all the principal candidates from opposition have not been even registered as candidates under absolutely farfetched and wanton reasons.

At the end of the last year the Parliament endorsed amendments into the Law on Religion that run contra to basic OSCE standards. Regardless the fact that these amendments have been recognized as unconstitutional by the Constitutional Council their main ideas are being implemented. In the course of the entire last and the beginning of the current year members of the national security bodies, law enforcement bodies practiced raids in relation to gatherings of small religious communities, including those held in private houses and many foreign missionaries are being evicted out of the country on the basis of arbitrary interpreted and antidemocratic procedures of their accreditation.

Ms. Drenicheva, a citizen of Russia and a preacher of the Unification Church, spent several months in custody; she has been accused of kindling hostility on the basis of belonging to human race

(wording in the court sentence) and was sentenced to imprisonment, which later on was changed for fine. At this the court has not taken into account five other expert examinations, including those made by leading American religion specialists Prof. J. Gordon Melton and Prof. James T. Richardson, which completely disproved the conclusion of the Kazakhstani expert.

At the beginning of the current year an independent newspaper "Taszhargan" was fined for the sum of 20.000 USD for the publication of a critical article with regard to one of the Parliamentary Deputies. The court of appellate jurisdiction considering the appeal of the news-paper increased this sum to 200.000 USDr, which in reality resulted in the closure of the given newspaper

The Editor-in-chief of an independent newspaper "Almaty-Info" Ramazan Yesergepov is in custody since the beginning of this year; he is accused of disclosure of state secrets, which is expressed in publication of an internal letter of one of the regional national security field offices; in fact this letter does not contain any secrets apart from the information that the national security bodies interfere into the court and prosecutor office activity under one specific criminal case.

Criminal process is being finalized in Almaty under the accusation of three opposition leaders and public figures in concealment of a crime - that is in signing letters in 2005 in support of Kazakhstan citizens that have applied for refugee status in the Ukraine. A number of these citizens are accused of committing crimes in Kazakhstan. However in full compliance with the legislation of the Ukraine they have been recognized as refugees. But in Kazakhstan public figures that have expressed their opinion in writing with regard to political nature of persecution of these people and their doubt as to fair judicial process concerning these people in Kazakhstan are facing the threat of two-year imprisonment for a would be concealment of crimes.

The Draft Law on Internet that is currently under discussion in the Parliament could be mentioned here as well because it will practically put Kazakhstan Internet segment under total control of the powers, which is pretty much similar to censorship, virtually depriving the people of Kazakhstan of the right to peaceful meetings because all the applications, with very rare exceptions, coming from public associations and opposition parties are rejected under hollow pretexts and etc.

Due to the shortage of time I limited myself only to a number of problems and specific cases related to human rights violations, which are of both system and practical nature.

It is less than half a year left till the time when Kazakhstan will take over the OSCE chairmanship. And now all the countries that have made this decision to a certain degree are responsible for the democratization processes, the rule of law and human rights implementation. And I do hope that awareness of this responsibility will make it possible to positively influence the improvement of the current situation.

Thank you for your attention.

PREPARED STATEMENT OF DR. ERIC M. McGLINCHEY, ASSISTANT PROFESSOR OF GOVERNMENT AND POLITICS, GEORGE MASON UNIVERSITY

Mr. Chairman and members of the Commission,

Thank you for the invitation to address the Nazarbaev government's record on political reform on the eve of Kazakhstan's assumption of the OSCE Chairmanship in January 2010. My colleague, Yevgeny Zhovtis, ably demonstrates in his testimony that, despite Mr. Tazhin's encouraging pledge to advance human rights and political liberalization in advance of Kazakhstan's OSCE Chairmanship, few substantive reforms have taken hold since the Foreign Minister's November 2007 statement. The goal of my testimony is to offer potential explanations for this lack of substantive political reform.

I divide my comments into six points. My first point is one of methodology: in order to understand Kazakhstan's autocratic continuity we must look beyond Kazakhstan. In points two through five I address comparative social science explanations of regime change and continuity: modernization theory, survival theory, winning coalition theory and the resource curse. Lastly, I conclude with what I see as the most promising pathway to future Kazakh political reform—the transformative role of international organizations such as the OSCE and the commitments member countries make to these organizations.

GROUNDING COMPARATIVE ANALYSIS

The intuitive starting point for understanding Kazakh autocratic continuity is the empirics of the Kazakh case. The pitfall of this approach, though, is that while any number of hypotheses could be offered to explain Kazakh political stasis, none of these hypotheses can be refuted. Thus, one could attribute continued illiberal rule in Kazakhstan to President Nazarbaev's leadership style, to the persistence of Kazakh "tribal" or "clan" identities, to a Kazakh cultural predilection to autocratic rule. Absent political variation, however, we cannot probe these hypotheses and assess their validity. An alternative approach, and the one I offer here, is to begin with hypotheses that are grounded in comparative studies of democracy and authoritarianism and then assess what insights these broader theories hold for the Kazakh case.

MODERNIZATION THEORY

Perhaps the most prominent explanation for the presence or absence of political reform is modernization theory. At its most basic, modernization theory predicts democratic reform is more likely as individuals and countries become wealthier. Modernization theory has both an economic and a normative logic. On the economic side, democracies based on the rule of law are perceived as more likely to protect individual wealth and property than are capricious dictatorships. And on the normative side, individuals who are wealthy, that is, who can afford education, are more likely to demand just and legitimate governance than are individuals whose driving concern is day-to-day survival.

Kazakhstan, with a 2007 Gross National Income (GNI) per capita of over \$5,000 would seem a likely candidate for political reform. Much of the USAID program in Kazakhstan, moreover, is predicated on this observation. That is, given Kazakhstan's comparative wealth, market-oriented aid can further assist economic growth and, in so doing, better the prospects for political reform.

SURVIVAL THEORY

Problematically though, and at odds with US policy toward Kazakhstan, recent social science theory suggests that the likelihood of political transition declines as countries become wealthier. That is, although existing democracies are more likely to remain democracies as citizens' incomes increase, so too are existing autocracies more likely to survive as autocracies as economies expand. Though the reasons for this survival are many, one clear causality of autocratic survival emerges in the Kazakh—Kyrgyz contrast. Kyrgyzstan, since the Soviet collapse, has remained in economic desperate straits (Kyrgyzstan's 2007 GNI per capita was \$610). At the same time, Kyrgyzstan is the Central Asian country most closely associated, both in the region and internationally, with fitful attempts at political reform. One conclusion a Kazakh citizen might arrive at, and a conclusion certainly encouraged by Nazarbaev's frequent emphasis of a "Kazakh path" to post-Soviet economics and politics, is that an autocrat's steady hand is preferable to the economic instability that appears to accompany Kyrgyzstan's contested politics.

WINNING COALITION THEORY

Complementing this potential economic growth claim to autocratic legitimacy is the institutional nature of Kazakh patronage politics. Comparative studies of regime change demonstrate that politics defined by (1) a narrow winning coalition of political elites and (2) by a large body of potential replacement political elites encourage high degrees of executive loyalty. The reason for this loyalty is straightforward: those who are lucky enough to be in the current winning coalition of ruling elites recognize that, should they shift their loyalty from the current leader to a rival, the likelihood that they will be in the new leader's winning coalition is small. Thus, though a Nazarbaev rival might assure potential supporters jobs in a future winning coalition, members of the current ruling elite are neither guaranteed this rival will be successful nor that he will keep his word, should he be successful.

THE RESOURCE CURSE

Importantly, belonging to the winning ruling coalition would not be so desirable if membership did not offer attractive economic privileges. The ability to offer these privileges, the extensive literature on natural resource wealth and authoritarianism demonstrates, is directly linked to a leader's access to easily exploitable revenue streams. Kyrgyzstan, for example, is similarly defined by a narrow winning coalition and a large body of potential replacement elites. Kyrgyz president Bakiev, however, has few resources with which to ensure the loyalty of this coalition. President

Nazarbaev, in contrast, can draw on Kazakhstan's vast oil wealth to fund patronage politics and insure the loyalty of political appointees. In short, though oil wealth is a boon for Nazarbaev and his supporters, this same wealth stifles the political contestation that is necessary for democratic openings.

THE TRANSFORMATIVE ROLE OF INTERNATIONAL ORGANIZATIONS
AND AGREEMENTS

The preceding points illustrate that a sober review of the democratization literature provides few reasons to anticipate that either President Nazarbaev or members of his ruling coalition would seek or be compelled to engage political reform. Modernization theory, the one logic that might provide some hope for Kazakh democratization, has found only limited empirical support in recent studies of regime change. And the other causalities reviewed—survival theory, winning coalition theory and the resource curse—all point to continued Kazakh autocracy rather than political reform.

Absent thus far from this analysis, and what is lamentably absent in many studies of regime change, is the potentially transformative role of international organizations and agreements. Few analysts, for example, anticipated that the August 1975 Helsinki Final Act would produce any meaningful political reforms in Moscow. Indeed, a New York Times article marking the one year anniversary of the Final Act concluded: "only a fatuous optimist would have expected its [the Soviet government's] attitudes to be transformed by the Helsinki Declaration." Helsinki, as this commission is testament, fundamentally altered Soviet politics. More specifically, the Declaration provided activists a language for opposing autocratic rule and a real measure of protection from the worst abuses of autocratic rule.

For Kazakhstan, Foreign Minister Tazhin's November 2007 Madrid pledge to deepen media freedoms, religious tolerance and political reform may prove no less important than Brezhnev's committing the Soviet regime to respect human rights and fundamental freedoms. Granted, there is a paradox here; what made Brezhnev's pledge meaningful was not the General Secretary's questionable personal commitment to human rights, but rather, civil society activists' concerted efforts to mobilize and hold the Soviet leadership accountable to this commitment. The enthusiasm with which Kazakhstan has pursued the OSCE Chairmanship suggests we have good reason to believe the Foreign Minister and President Nazarbaev's commitment to freedoms and rights is more genuine than that of their Soviet predecessor. Ultimately, though, the meaning of Madrid will be shaped as much by the efforts of Kazakh social activists as it will by the actions and policies of the Nazarbaev government.

**WRITTEN MATERIAL SUBMITTED FOR THE RECORD BY THE
EMBASSY OF KAZAKHSTAN IN WASHINGTON, DC**

**KAZAKHSTAN'S STEPS FORWARD ON THE PATH TO
DEMOCRACY**

The year 2008 marked an important shift in Kazakhstan's focus on further political reform. The impetus for this shift was a major constitutional reform announced in May 2007 that granted more governing powers to the elected national legislature as the country gradually moved from a strong presidential form of rule towards a presidential-parliamentary system.

With this shift, Kazakhstan introduced the basics of the parliamentary majority system, under which parliamentary elections would adopt a political parties-based system versus a single constituencies-based system.

Recognizing that shifting to a full-fledged parliamentary majority system would take time, Kazakh authorities were not surprised that the first parliamentary election in August 2007 produced mixed success.

However, the election did become the focus of international observers, namely the Organization for Security and Cooperation in Europe, as Kazakhstan announced its bid for the OSCE Chairmanship. Although OSCE observer mission saw the election as a "welcome progress," many shortcomings remain. The major drawback for the authorities and others was that the public elected a one-party parliament even though seven parties were represented in the race.

The prevailing mood among OSCE membership was that the job required robust democratic performance by the candidate. While endorsing Kazakhstan's Chairmanship for 2010 in Madrid in December 2007, the OSCE member states expected meaningful democratic progress to evolve in Kazakhstan beginning in 2008. Further perfection of the election legislation and process, genuine support for political parties' growth, meaningful improvements in the media sector and local governance are among those areas identified as the most important for further reform.

The OSCE Ministerial meeting in Helsinki on December 4-5, 2008 was regarded by many as an appropriate opportunity to review Kazakhstan's progress in its ascent to the Chairmanship. Although it was broadly recognized in Helsinki that Kazakhstan "was moving in the right direction," the country faced some criticism, particularly from international human rights NGOs and some Kazakh opposition groups claiming that Kazakhstan did not live up to its promise.

By tradition, their widely publicized reports have been picked up by international observers and media. So, for purposes of balance and a genuine, informed debate, Kazakhstan offers its own account of events.

"MADRID" AND IMPROVEMENTS IN KAZAKHSTAN'S LEGISLATION

In February 2009, Kazakhstan signed into law new legislation regarding the media, elections, political parties, and local government. Through close cooperation and intensive discussions with

NGOs, political parties and OSCE institutions, Kazakhstan incorporated many of their proposals into the final draft of the new legislation. The ODIHR and the Office of the Representative on the Freedom of the Media were very active and most helpful in bringing Kazakhstan's laws in line with OSCE standards. As Charge d'Affaires of the U.S. Mission to the OSCE Kyle Scott stated at the OSCE Permanent Council in Vienna: "This legislation marks a step forward on Kazakhstan's path to democracy."

The law on elections. Twenty-nine amendments signed into the law on elections have further perfected the electoral process in Kazakhstan. Five of them were recommended by the ODIHR/OSCE. Eight of them were recommended by Kazakhstan's human rights community, in close cooperation with U.S. human rights NGOs, including Freedom House. The law now:

- Guarantees representation of at least two parties in the Parliament even if one of them does not win enough votes (i.e., over a 7 percent threshold). It excludes the possibility to elect a one-party Parliament;
- Makes it mandatory for the media to equally cover the candidates and parties, including the period of nomination and registration;
- Cancels any requirements for thousands of foreign observers, who usually come to Kazakhstan during elections, to have any relevant experience to monitor electoral process;
- Decentralizes authority of the Central election commission in favor of local election commissions. Now local election commissions have greater authority in organizing the electoral process, such as determining their schedules to make them more convenient for the voters;
- Increases salaries for non-public servant members of election commissions at the election periods;
- Authorizes the Central Election Commission to strictly regulate the process of issuing absentee ballots.

The law on political parties. Seven amendments signed into the law on political parties partly reflect recommendations made by the OSCE and Kazakhstan's human rights community, in close cooperation with U.S. human rights NGOs, including Freedom House. The original goal of the amendments is to further liberalize and expand the space for political debate. The law:

- Significantly reduces the number of requirements for registering a political party (in the new text of the law even a party that submits erroneous lists of its members cannot be denied registration on these grounds).
- Decreases required membership size for a party to be registered (now a party needs to have only 600 members in each of the country's regions and 40,000 members nationwide to be registered as a national political party);
- Simplifies the registration process and the funding of political parties to strengthen their role in public life;
- Regulates the legal and technical process of establishing (merger, incorporation, split-up or split-off) a political party (the ODIHR recommendation);
- Provides public financing of political parties.

The law on mass media addressed the concerns that have been recently voiced by the media community. It has been amended to increase the rights of journalists and media to ensure greater self-regulation. The amendments reflect the recommendations of the ODIHR. The law:

- Removes administrative barriers and re-registration requirements for mass media.
- Extends the rights of journalists. For example media representatives are not required to ask for permission to use recording equipment when conducting interviews.
- Provides the right of a citizen to demand retraction of the published defamation or slander if a person who published this information cannot support the allegations with facts.
- Denies this right to citizens, thus upholding the adversarial principle in the court's deliberations.

The law on local self-government codifies local self-governance in the regions (oblast), districts, cities, districts within the cities, towns and villages; significantly increases the political role of Maslikhates (local elected legislatures) and improves effectiveness of a “checks and balances system” between maslikhates and akimats (local executives). The law reflects the experience of both France and Britain in providing local self-governance. It includes attributes of the European Charter on local self-government, is generally in line with the final document of the 1990 Copenhagen Meeting and reflects the vision of the United States on independence of local governance.

Members of Maslikhates are elected by people of a region. They approve regional development programs, claim the regional budget, and are accountable to voters. Voters have the right to request a report on the work of members of Maslikhates, as well as to recall them in case of duties' breach.

Heads of Akimats (akims) appointed by the President of Kazakhstan take the office only after approval by Maslikhate. They are accountable to Maslikhates on budget issues. The law also lowers the needed majority (to 51 percent) for Maslikhates to vote Akims out of office.

AMENDMENTS TO THE LAW ON RELIGIOUS FREEDOM

On February 11, 2009, Kazakhstan's Constitutional Council—a powerful watchdog overseeing the compliance of government policies with the Constitution—ruled that the long-discussed amendments to the law on religious freedom are inconsistent with some articles of the country's Constitution.

In spring 2008, members of the public and the country's parliament initiated the amendments. After intense discussions with Kazakhstan's civil society, domestic and international human rights groups, as well as the OSCE Office for Democratic Institutions and Human Rights, they were endorsed by the Parliament and submitted to the President to be signed into law. President Nazarbayev, however, chose to verify that the new legislation was consistent with Kazakhstan's Constitution and passed the draft for Constitutional Council's review. On February 11, 2009, after a careful review and month-long debates over the document, Chairman of the Constitutional Council, Mr. Igor Rogov, announced that

“the amendments to the law on religious freedom are inconsistent with the Constitution of the Republic of Kazakhstan.”

He explained that the proposed legislation violated a number of Constitutional norms, including Paragraph 3 of the Article 39 of the Constitution, which stipulates that human rights and freedoms “shall not be restricted in any way” as well as Article 14, which prohibits discrimination on religious basis. Besides, Chairman Rogov found the draft to be inconsistent with Article 19, which states that everyone has “the right to determine and indicate or not to indicate his/her ethnic, party and religious affiliation.”

The final ruling of the Council was produced during two-day open hearings, whereby the participants of the debate were clearly divided over the issue. Some thought that the amendments would strengthen Kazakhstan’s national security in a volatile environment and protect peace and domestic stability in the country. Others advocated stronger protection of religious diversity and tolerance historically intrinsic in Kazakhstan.

The Council’s final ruling identified that the draft amendments were inconsistent with Kazakhstan’s Constitution and they have not come into effect.

**WRITTEN MATERIAL SUBMITTED FOR THE RECORD BY THE
EMBASSY OF KAZAKHSTAN IN WASHINGTON, DC**
**KAZAKHSTAN'S PREPARATION FOR OSCE CHAIRMANSHIP
IN 2010**

Following the OSCE Ministerial Council meeting held in Madrid in November 2007, a decision was made for the Republic of Kazakhstan to assume OSCE chairmanship for 2010. The coming chairmanship has become a priority area of Kazakhstan's foreign policy and various integrated efforts have already commenced. Since the beginning of this year, we have engaged as the OSCE "Troika" member together with our Finnish and Greek partners.

Our major task is to identify priority goals as the future OSCE Chair under its three dimensions. Enhancing the OSCE's effectiveness, strengthening its weight among participating States is one of the guiding principles, which determine our agenda.

As the future OSCE Chair, our country is determined to develop all three OSCE dimensions. Eliminating imbalances will be instrumental in achieving the goal of restoring Helsinki spirit through ensuring indivisible and comprehensive security.

Following is the brief overview of Kazakhstan's efforts in this regard to date.

1. Institutional and Human Resources Groundwork. In order to conduct ongoing consultations between Astana and Vienna and to coordinate work with all OSCE countries, Kazakhstan established an independent Permanent Mission to the OSCE in 2008 and has also created an "OSCE Task Force" at the Foreign Ministry of the Republic of Kazakhstan.

To receive training, diplomats and officials participated in internships at the OSCE, European training centers, and foreign ministries of nations that chaired the Organization previously in 2007 and 2008. Roughly 80 diplomats and officials from line agencies of the Republic of Kazakhstan have completed training. In addition, the country has established the institute of "liaison officers" responsible for coordinating chairmanship work in key OSCE capitals.

Kazakhstan's personnel training effort is ongoing. For 2009, extensive training courses have been planned for 80 diplomats in the "Task Force," covering priority areas of OSCE operations, as well as team-building with the OSCE Secretariat, the ODIHR, other OSCE entities, and members of future Task Forces (Lithuania).

To strengthen operational capabilities in the OSCE context and boost the professional standards of Kazakhstani diplomacy, work is underway to bolster the nation's representation in the Organization's structures.

In 2010, Kazakhstan is to address a number of human resources issues associated with appointing new officials or extending the mandates of High Commissioner for National Minorities Knut Vollebaek, OSCE Representative on Freedom of the Media Miklos Haraszti, heads of the field missions to Serbia and Montenegro, and the deputy head of the mission to Moldova who are to be appointed anew, as well as one-off appointments associated with the establishment of OSCE election monitoring missions.

2. Kazakhstan's work in OSCE's Troika. Since January 1 this year, Kazakhstan has been a member of OSCE's governing "Troika." As such, Kazakhstan aspires to ensure coordinated operation of line agencies in Kazakhstan in keeping with the tasks assigned to Kazakhstan within Troika and as OSCE's CiO. It also is establishing an interagency commission as an institute for interaction among line agencies.

On March 17 this year, Kazakhstan participated in the first joint meeting of OSCE and EU Troikas, which discussed the Georgian and Balkan issues, plus the European security architecture. The meeting demonstrated high relevance of the OSCE-EU consulting mechanism, which will assume an even greater significance in 2010 when Kazakhstan, being a non-EU country, takes the chair.

As a Troika member, Kazakhstan has assumed the leadership of the Group for Cooperation with OSCE's Mediterranean partners (Algeria, Egypt, Israel, Jordan, Morocco, and Tunisia) whose work will center on tolerance.

3. Chairmanship transfer from Greece to Kazakhstan. In October 2009, Kazakhstan will assume chairmanship in the Advisory Committee on Management and Finance. Aware of the importance and challenges of achieving consensus on OSCE budget approval issues, Kazakhstan, in its capacity of the would-be Chair, will become involved in the Organization's 2010 budgeting process well in advance to finalize new contribution scales, achieve closer linkage between annual budgeting and medium-term program planning, and establish program benchmarks. This has come to be our "know-how," on which OSCE fund managers have placed high value.

Starting in the fall of 2009, Kazakhstan will chair OSCE's Economic and Environmental Forum. In this context, planning is underway for the Forum's first event in Astana. Kazakhstan is working to get all OSCE countries to approve its proposed topic for the event, "Promoting Good Governance at Border Crossings, Improving Land Transportation Safety, and Facilitating International Motorway and Railway Communications in the OSCE Area."

4. OSCE chairmanship agenda of the Republic of Kazakhstan. Kazakhstan has drafted an OSCE chairmanship concept and is preparing a list of priority objectives in dialog with its partners. We are ready to pursue a formula for promoting the proposed priorities that would be suitable to all, including achieving mutual concessions on contentious issues. Kazakhstan will adhere to a balanced position while focusing on areas and sub-topics that have consensus potential.

Work on this agenda is based on following principles:

- Importance of preserving the traditionally concise list of priorities and the "added value" principle (i.e., the kind of contribution Kazakhstan could make to OSCE's development);
- Potential for introducing selected novel points in OSCE activities or potential for ensuring certain positive shifts therein;
- Specific areas of OSCE activities, through which Kazakhstan may be instrumental in strengthening them thanks to its geopolitical position, specifics of the nation's socio-economic and political development, as well as regional factors; and

- Relevant experience and expertise available within the OSCE, including for the purpose of ruling out any duplication of efforts with other international bodies.

In keeping with the existing practice, Kazakhstan's chairmanship agenda will be formally presented in January 2010. However, as of now Kazakhstan is willing to tentatively outline the following topics that might eventually underlie Kazakhstan's priorities.

In the military-political dimension, Kazakhstan, guided by the principle of continuity in OSCE activities, intends to focus on meeting new challenges and counteracting new threats (such as terrorism and extremism, organized crime, and various trafficking) and on maintaining stability across the OSCE space, particularly in Central Asia.

It will work to leverage OSCE capabilities for post-conflict rehabilitation of the Islamic Republic of Afghanistan and to strengthen its borders along the perimeter of the Organization's Central Asian member states. A conference on Afghanistan is contemplated for 2010, along with the implementation of selected projects already scheduled.

The potential for expounding the subject of non-proliferation of hazardous materials and weapons of mass destruction within the OSCE is being examined. Close coordination is important on such issues with the Troika members of the OSCE Forum for Security Co-Operation (FSC), which Kazakhstan will chair in late 2011.

Unfortunately, it is likely that the so-called "protracted conflicts" will remain the focal point of our chairmanship. Monitoring and identifying any positive signals or signs of possible escalation of conflicts, as well as engaging preventive mechanisms of political consultations, should become the key instrument in this sphere during our Chairmanship.

In the economic and environmental area, Kazakhstan intends to focus on developing Eurasia's transit and transport potential and continental transport corridors. Furthermore, there are plans to tap into OSCE capability to resolve regional environmental problems that have a global impact, such as saving the Aral Sea (since the beginning of 2009, Kazakhstan has chaired the International Aral Sea Rehabilitation Fund and intends to re-energize its work).

In the humanitarian area, Kazakhstan intends to primarily focus on promoting tolerance and inter-cultural dialog within OSCE's space. Given Kazakhstan's experience in this field, these efforts may represent the very "added value" of our chairmanship.

Once the country assumed leadership of the Group for Cooperation with OSCE's Mediterranean Partners earlier this year, tolerance was selected as the basis for the agenda of the Group's key events. On the eve of the Third Congress of the Leaders of World and Traditional Religions on July 1-2, 2009 (the global tri-annual event initiated by Kazakhstan in 2003 to promote interfaith dialog), Kazakhstan intends to hold a tolerance roundtable to be attended by the Mediterranean partners, three personal representatives of the OSCE's Chairman-in-Office on tolerance and non-discrimination, the Secretariat, and ODIHR/OSCE.

Consideration is being given to convene a 2010 Conference on fighting intolerance that would cover all key areas (such as anti-Semitism and bias against Christians and Muslims). The event

could be dedicated to reviewing the implementation of decisions taken by the OSCE's Tolerance Implementation Meeting on Promoting Inter-Cultural, Inter-Religious and Inter-Ethnic Understanding, held in June 2006 in Almaty, Kazakhstan, as well as reviewing other OSCE conferences on related matters.

In its work to strengthen tolerance, Kazakhstan, in close coordination with three personal representatives of the OSCE's CiO on religious tolerance, intends to promote its experience of inter-faith concord as to make the maximum substantive impact. In addition, coordinated implementation of that priority will be sought both within the OSCE and other multilateral organizations, which Kazakhstan is to chair in the coming years (OIC—2011, and others).

The year of Kazakhstan's chairmanship is a landmark year for the OSCE, being the 35th anniversary of the Helsinki Final Act, the 20th anniversary of the Charter of Paris for a New Europe, and the 65th anniversary of the end of World War II. These dates offer a good reason for a serious analysis of the Organization's role and its future.

In this regard, the issue of holding an OSCE Summit, the last of which took place in 1999, exerts substantial influence on the OSCE's future. Many believe that a unique agenda for the Summit could include Dmitry Medvedev's initiative backed by Nicolas Sarkozy, which calls for the development of a binding European Security Treaty on the OSCE platform. Kazakhstan is fairly flexible on such matters, given the Summit's timing and venue; it has held relevant consultations in this regard, including with the Chairman-in-Office.

Aware of the symbolic significance associated with the year of its chairmanship, Kazakhstan is ready to work on the following objectives:

- Improving the OSCE's effectiveness recognizing that conflicting approaches exist concerning adopting the Charter and the Convention on the International Legal Personality, Legal Capacity and Privileges and Immunities.
- Supporting activities of the ODIHR, with which Kazakhstan maintains a good relationship and follows the Office's recommendations as it seeks to improve its national legislation. Kazakhstan supports preserving and strengthening the ODIHR mandate. In this area, Kazakhstan believes it is important to invariably maintain an "honest broker" position and a strong line for promoting a dialog among all parties while relying on the principles enshrined in the ODIHR mandate.
- Establishing a full-fledged dialog between the Organization's Parliamentary Assembly and the ODIHR, mostly on election-monitoring matters.

These preliminary ideas outlined in this document will continue to evolve as Kazakhstan prepares to assume the Chairmanship. They are part of our ongoing bilateral and multilateral consultations at different levels, which will continue through the end of 2009. Upon finalizing this process, our Chairmanship agenda will be formally presented in January 2010 at the first meeting of the OSCE Permanent Council.



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