

# **NDI Pre-Election Report**

## **The March 1994 Elections in Kazakhstan**

**February 22, 1994**

# National Democratic Institute For International Affairs



*conducting nonpartisan international programs to help promote, maintain and strengthen democratic institutions*

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NDI's programs in Kazakhstan, including publication of this report, are funded by the U.S. Agency for International Development.





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This report has been prepared by the Central Asia staff of the National Democratic Institute for International Affairs in order to provide an introduction to the issues and actors involved in Kazakhstan's parliamentary election on March 7, 1994. The report reflects findings from an NDI-sponsored international delegation that visited Kazakhstan from January 26 to February 8. On February 10, the delegation issued a pre-election review which is included as Appendix A. This report also incorporates information and knowledge gained from NDI's field activity, a summary of which is attached in Appendix B. NDI hopes that this report will be useful to domestic monitors and international observers, as well as Kazakhstani government officials and administrators who are participating in the March elections.

February 21, 1994

For further information, please contact the National Democratic Institute for International Affairs.

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**KAZAKHSTAN**

Population

16.7 Million

Area (sq mi)

1,049,151

City Population

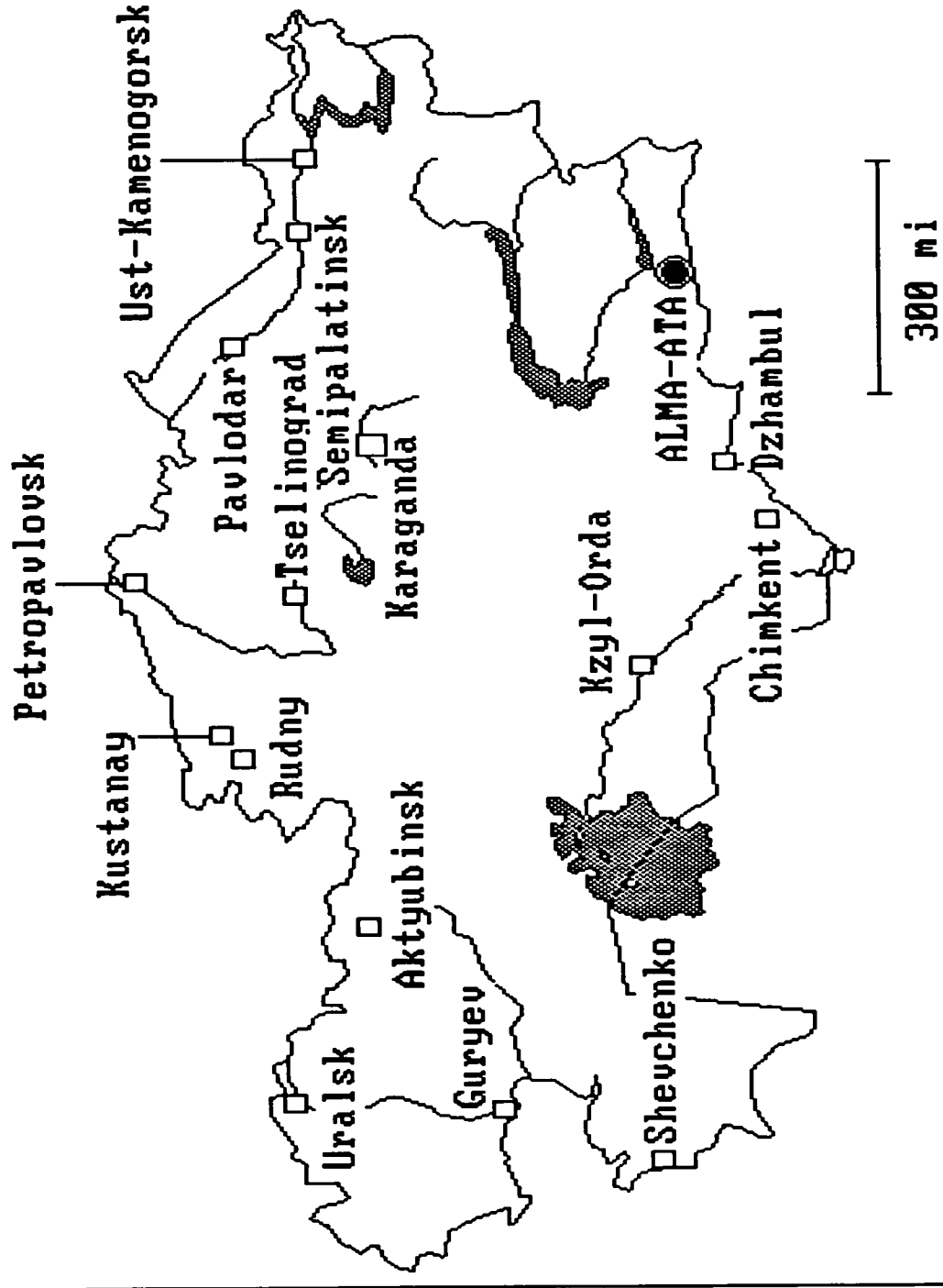
☐ Over 1,000,000

☐ Over 500,000

☐ Over 100,000

☐ Under 100,000

⊙ Capital



## SECTION I

### **THE PRE-ELECTION ENVIRONMENT Parliament and Economic and Social Issues**

#### **Parliament**

Kazakhstan gained independence in December 1991 and is now poised to hold its first multi-candidate parliamentary elections on March 7, 1994. The parliament, formerly the Supreme Soviet and renamed the Supreme Council, was last elected in 1990 in a largely uncontested process that conferred upon the Communist party a majority of seats. The parliament functioned essentially as an administrative body, composed of 360 members who met infrequently throughout the year to render perfunctory approval of official decrees.

In 1993, the parliament, along with its presidium, a smaller, more experienced and full-time body, began to assert its independence. Last summer the presidium rejected a presidential initiative to introduce strict requirements for registering the media. In October, the parliament resisted President Nursultan Nazarbaev's attempts to reorganize the court system, dissolve local soviets and name personal appointments to head *oblast* administrations. Nazarbaev suspended the parliament in December, at the behest of a group of deputies. He then called for parliamentary elections, as well as elections to local representative bodies, in March 1994.

Prior to its dissolution, the parliament adopted an electoral code based on a draft produced by the presidium last fall. It also conferred on President Nazarbaev extraordinary authority to rule on its behalf until the new parliament convenes.

#### **Economic and Social Issues**

The March elections are set in an atmosphere of severe economic hardship. Kazakhstan's economy has shrunk by approximately 15 percent each year since 1991. The mean standard of living decreased by 40 percent over this same period.

A raw material exporter during the Soviet period, Kazakhstan suffers from the dissolution of markets and the severing of transport networks in the Russian Federation, Ukraine, the Baltic states and elsewhere. Reports suggest that 80 percent of the population supports privatization in principle, although in fact that process has proceeded very slowly. Initiatives developed at the center have been thwarted at the local level by administrators who resist private entrepreneurial activity, especially in small manufacturing and other productive sectors.

The elections also take place against the backdrop of an energy crisis that has nearly immobilized this oil-rich country. Many factories and plants closed this winter as a result of insufficient energy. Homes and apartments throughout the country lack heat and hot water. A chronic fuel shortage disrupts transport networks and schedules, and forced the temporary closing of the Almaty airport earlier this winter.

On November 15, 1993 Kazakhstan introduced its own national currency, the *tenge*. When Russia invalidated the Soviet ruble last summer, Kazakhstan was left holding billions of old rubles. A porous 3,000 mile border with Russia allowed millions of additional rubles to enter the country. Moreover, China flooded Kazakhstan with its stockpile of the old currency. Reports estimate that these effects combined to produce a tripling of the money supply in a matter of weeks, with the result that an inflationary economy soon reached hyperinflation. Kazakhstan subsequently quit the ruble zone and introduced the *tenge*, an act of immense psychological importance that brought great pride to nationalistic Kazakhs and dismay to ethnic Russians.

Relations between Kazakhstan's principal ethnic groups are a factor of great consequence for the election period and afterward. Having suffered mass deportations, in-migrations and murders under Stalin, Kazakhstan now has a population that is composed of virtually equal numbers of ethnic Russians and ethnic Kazakhs. Although the balance has recently shifted slightly as a result of the out-migration of Russians, in-migration of displaced Kazakhs and a rising birthrate among local Kazakh families, both Russians and Kazakhs claim approximately 38 percent of the total population. Both groups co-mingle in Kazakhstan's urban centers; however, the Russian populace is concentrated in the country's northern industrial region, and ethnic Kazakhs predominate in the agricultural south.

Two issues, that of dual citizenship and dual state languages, are the formal vehicles for manifesting ethnic claims and concerns in the present electoral campaign. Kazakhstan's new constitution, adopted in January 1993, proclaims Kazakh the state language and Russian the language of international communication. Rather than resolving the language issue, the constitutional provision has opened up a festering national wound. Only approximately 40 percent of ethnic Kazakhs speak their native tongue fluently. Those who do not are, like many Russians, concerned over the implications of a Kazakh language law.

Efforts to increase the language proficiency of Kazakhs are replete with consequences for the stability of the nation. As an example, an affirmative action program in some universities, the civil service and industry resulted in the elimination of virtually all non-Kazakhs from freshman classes, and engendered personnel policies that have displaced non-Kazakhs from their jobs. In response to these circumstances and conditions of economic hardship, Russians are emigrating in large numbers, taking with them sorely needed industrial skills and technical expertise. One major political party, the People's Congress, has recently proposed a dual language policy as part of its campaign platform in an effort to reduce emigration and mitigate tensions between ethnic groups.

Dual citizenship is advocated by several Slavic movements that represent various Russian-speaking groups and which are based primarily in northern Kazakhstan. The new constitution renounces dual citizenship but confers Kazakhstani citizenship automatically upon all inhabitants of the state. President Nazarbaev opposes the notion of dual citizenship but has postponed by one year, until March 1995, the date by which individuals must make a choice. Support for dual citizenship does not necessarily break down along ethnic lines, as many Russians join ethnic Kazakhs in opposing the idea.

The ethnic question has political implications that extend beyond the electoral issues of language and dual citizenship. Many local observers claim that Kazakh leaders within the country and Russian "interventionists" outside are guilty of exploiting Kazakh and Russian nationalism for political or ideological gain. The promise of stability is a potent charm for people surrounded by civil war and formidable neighbors on all sides. Ethnic considerations will likely factor prominently into campaign strategies and voter preferences, and will influence public attitudes toward the election results.



## **SECTION II**

### **THE ELECTION LAW**

#### **The Electoral System, Nomination of Candidates, Registration, Campaign Finance and Media**

The election law was promulgated and published in the country's major Kazakh and Russian language newspapers on or about December 18, 1993. The law is based on a draft developed by members of the presidential apparatus, the Ministry of Justice, representatives of social organizations and several members of parliament. It was adopted prior to the dissolution of parliament by presidential decree.

The election law reduces the size of the parliament almost by half, from 360 deputies to 177. In contrast with the former parliament, members are required by the constitution to serve full-time. Because of this and other provisions, popular opinion credits the president with the intent of transforming the old rubber-stamp institution into a professional and deliberative body.

#### **The Electoral System**

The election law stipulates that 135 deputies will be elected from single-member districts. Candidates will be elected under a majoritarian or first-past-the-post system, according to which the candidate with the most votes wins. The system considers uncontested candidates lawfully elected if their "yes" votes exceed the "nos." A turnout rate of 50 percent of registered voters is necessary to validate the process; insufficient turnout will nullify the process and require that local electoral commissions hold new elections.

The Central Election Commission formed the 135 electoral districts by combining the country's 270 former administrative divisions. The Commission drew the district lines, even though the election law requires that parliament provide approval and review.

The remaining 42 deputies will be elected from a presidential or "state" list composed of candidates nominated by the president. The list will include the names of some 63 candidates selected to represent the country's 19 *oblasts* and two specially-designated cities, Almaty, the capital, and Leninsk, a military center. According to this formulation, voters in each constituency will choose among three individuals to fill two seats.

Proponents of the state list claim that it will achieve two main objectives. It will ensure a measure of ethnic diversity within the parliament, as it will purportedly include representatives of smaller national groups such as Germans, Koreans and Uighurs; and it will include renowned men and women of arts and letters who otherwise would not have the inclination or opportunity to enter politics. Many individuals who were originally approached to run on the list declined the offer. They were reportedly uncomfortable with such direct association with the government.

## Nomination of Candidates

Candidates may be nominated in one of three ways: by a political party, a social organization or through self-nomination. In order to exercise the right of nomination, parties and social organizations must first be registered with the Ministry of Justice. Registration requires that organizations prove that they have at least 3,000 documented members, and chapters in at least 12 of the country's 19 *oblasts*, a criterion that confers on them republic-wide status.

The law requires that political parties and movements convene congresses, attended by a quorum of members, to nominate candidates. The Central Election Commission declared invalid conferences held before December 27 and the resulting nominations. On these grounds, the Commission rejected the nominations of several candidates sponsored by the Independent Trade Union Association, whose nominating conference took place on December 21.

Self-nominated candidates were required only to declare their intention to run and submit the necessary documentation. Of 754 registered candidates nationwide, well over half chose self-nomination, suggesting that both legal requirements and strategic factors weakened the role of political parties and social organizations in the present elections.

## Registration of Candidates

The election law requires that all nominees for candidacy satisfy two main registration criteria. They had to gather 3,000 signatures from voters in their constituency and make a deposit to the local electoral commission of a sum equivalent to five times their monthly wage. This latter requirement, prohibitive for many prospective candidates, was made more onerous by the recent introduction of the *tenge* and the widespread dissolution of private savings that ensued. The deposit is returned to candidates who receive 5 percent of the votes in their constituency.

In order to fulfill the signature requirement, candidates were permitted to form "initiative groups" to assist in conducting campaign-related activity. Initiative groups may be any size and may add or eliminate members throughout the electoral period. Members must be registered with the local electoral commission and relinquish their status upon the conclusion of elections. Candidates are also permitted to designate two "accredited representatives" (*doverennye litsa*) who are authorized to coordinate and manage their registration and electoral campaigns.

A short election calendar left candidates with approximately four weeks to collect signatures. Although signatures were to be gathered from voters within designated constituencies, some candidates reported that, midway through the registration period, they had not yet received the official boundaries of their constituency from the local electoral commission.

Local electoral commissions have sometimes applied registration requirements in an arbitrary manner. In Almaty and Karaganda *oblasts*, approximately a dozen candidates were denied registration. The candidates represented the leadership of several political parties and organizations, including the Socialist party, *Azat* and the Independent Trade Union Association. In some cases, election officials rejected entire sheets of signatures on grounds that some were invalid; in others, administrators misused their authority to issue warnings to candidates to deny them registration. (After giving candidates two warnings for "violations" of the election law, district election officials are authorized to disqualify them from the process.)

### **Campaign Financing**

The election law entitles each candidate to an equal amount of state funds to finance all election-related activities. The law explicitly prohibits the use of private or non-state funds. The Central Election Commission has set the allowable amount at 6,110 *tenge* (approximately \$470 at the present exchange rate). In addition to formulating the general budget for each candidate, the Commission also controls how these funds will be expended, including the amount of money to be spent on television and radio, print media and the number, size and design of leaflets and posters. Local electoral commissions will assume exclusive authority for printing campaign materials, producing radio and television spots and monitoring newspaper copy. For this purpose, they hold in escrow the campaign funds for candidates in their district, and are required to issue receipts documenting expenditures on candidates' behalf. Candidates therefore lack discretion over campaign expenditures.

### **Media**

The state continues to control most print and electronic media in Kazakhstan. It either owns media operations outright, subsidizes them or, in the case of print media, exercises control through the distribution of printing facilities, newsprint and ink. Although there are several independently-owned television stations throughout the country, most broadcast over state-owned channels and are provided with scant air time.

The Central Election Commission allocated each candidate 10 minutes of radio and television time and 100 lines of newspaper space for the campaign. Some election officials claimed that if they wished, candidates could divide their 10-minute allocations into smaller segments. At the beginning of the campaign period, election officials had not yet addressed the task of assigning media time and arranging schedules for the myriad candidates and organizations participating in the process. The popularity of some time slots or certain newspaper editions over others will complicate efforts to distribute media time equitably.

A number of allegations concern unlawful use of the media. Numerous candidates from the president's party received television coverage prior to the start of the official campaign period on February 7. Two were granted hour-long interviews on state-run television in the third week of January. The Central Election Commission has allocated all media time from

March 3 - 5 to candidates of the president's party and the state list. Some state facilities have ceased printing newspapers and others are expected to suspend their publications for a portion of the campaign period, ostensibly for lack of paper and ink.

### **SECTION III**

#### **POLITICAL PARTIES, ASSOCIATIONS AND ETHNIC ORGANIZATIONS**

Any discussion of political parties and social organizations in Kazakhstan must duly note the conspicuous absence of any organized, domestic opposition. While numerous organizations that identify themselves as political parties or social movements do exist, none presents a serious challenge to the ruling party and the status quo at this time. The present campaign reveals this imbalance despite the appearance of competition among a multitude of candidates. In most constituencies, even those that are hotly contested, candidates associated with the president's party enjoy major structural advantages. They also benefit from the absence of socially based, membership driven alternatives.

Those political parties and social movements that do participate in Kazakhstan's political process differ in their political orientation, their economic policies and their loyalties to ethnic groups. The predominance of independent candidates in the March elections, however, suggests that political parties will not define the competition in the campaign. Electoral outcomes will derive largely from the force of personality and ethnicity of candidates, and the fairness of electoral administration, particularly at the local level.

It is important to note that most political parties anticipated elections in December 1994. The decision to schedule them earlier caught them unprepared. The election law curtails their activity further by limiting the role that parties can play in the electoral process. As noted above, the requirements for registration favor self-nominated candidates over those running with a party affiliation. Moreover, the provision of state financing of all campaign activity and the creation of initiative groups deprive parties of fundamental functions, and accordingly, organizational opportunities that they conventionally enjoy during elections elsewhere. In many cases, individuals who are members of political parties or social movements chose to contest elections as independent candidates. High-ranking officials from local administrations or heads of factories or collective farms, in particular, claim to have sufficiently high name recognition to carry them to victory.

The Central Election Commission recently issued a demographic survey of the candidates. Ethnic Kazakhs comprise the largest group, claiming 566 candidates out of a total number of 754. Russian candidates number 128 and Ukrainians account for 24. Twelve percent of candidates are women. A breakdown by occupation shows that 169 candidates are directors of state enterprises, 101 are members of the government apparatus, 72 are deputies running for re-election and 53 are heads of local administrations.

## POLITICAL PARTIES AND ASSOCIATIONS

***Union of People's Unity of Kazakhstan.*** The party was created in February 1993 and, known generally by its Russian acronym SNEK, is the party of President Nazarbaev. Initially, SNEK identified itself as a movement, eschewing the "party" label and its associations with the Soviet regime. It registered for party status in December. Nazarbaev only recently formally identified himself with the organization; it is led by Vice Minister Sultanov, who concurrently presides over the Ministry of the Press.

SNEK's leadership and membership consist primarily of middle-level and high-ranking former Communist party officials. It claims 40,000 members who pay an initiation fee of 1 percent of their annual salary. SNEK has members throughout the country and is organized on the national as well as local levels. It surpasses all its competitors in both membership and organization.

SNEK's platform generally coincides with the program of the president. It espouses internationalism and gradual economic and political reform. It also favors moderately-paced privatization supported by large foreign investment. The party espouses close but egalitarian ties with the Russian Federation, and firmly opposes both dual citizenship and dual state languages.

For the March elections, SNEK nominated 102 candidates for the 135 single-members seats, far more than any other political party. 10 SNEK members are running as independent candidates, and an additional 10 are candidates on the president's state list. The party's candidates are also contesting hundreds of local races. SNEK candidates are not necessarily drawn from the party's longstanding membership. Several only recently joined the party, having either volunteered or accepted requests to run under its banner.

Because SNEK is widely regarded as the president's party, public perception tends to link the party with the state. This presents both advantages and disadvantages to candidates. Although Nazarbaev's popularity is declining, he is still highly regarded. Many voters will choose his party's candidates for this reason. Blame for the rapidly deteriorating economy, however, increasingly focuses on the administration. While Prime Minister Tereschenko has borne the brunt of the public's disfavor, the president himself has recently come under attack.

***Socialist Party.*** The Socialist party is the legal successor to the Communist party. Before the creation of SNEK, it identified itself as the president's principal source of support. It has since redefined its role as the loyal opposition. The party has weakened over the past few years as a result of its perceived association with the Communist party and losses in funding. It claims 40,000 members.

The party's platform is based on economic reform. It favors privatization, but characterizes the administration's economic program as "wild capitalism." It advocates a process that is more gradual, less bureaucratic and which provides greater social protection to pensioners, invalids and others. In the long-term, the party supports industrial restructuring and small enterprise development in conjunction with programs to retrain displaced workers. In the short-term, the Socialists promise to maintain near-full employment by keeping industries open, regardless of their productivity. They propose to encourage small businesses by lowering interest rates and taxes, and support privatization in the agricultural sector on a voluntary basis.

The Socialist party has nominated 55 candidates to the Supreme Council and hopes that 30 will pass registration. Many of its candidates enjoy the benefits of high name recognition without the association with the present regime.

***Social Democratic Party.*** The Social Democrats were among the first party to emerge following independence in Kazakhstan. Since its inception, the party has refused on principle to register with the Ministry of Justice. Party leaders assert that the registration requirements violate democratic standards and norms. The party therefore lacks the right to nominate candidates for the March elections and will support only independents. Their leading candidate is Sergei Duvanov, the owner of the most popular independent television station in Almaty. Duvanov was denied registration after his station aired stories critical of the mayor of Almaty. The television station was recently closed for alleged violations of the city's fire code.

***The People's Congress of Kazakhstan.*** This party emerged out of Kazakhstan's largest and most successful popular movement, the Nevada-Semipalatinsk Anti-Nuclear Movement. Under the leadership of Kazakh poet Olzhas Suleimenov, the movement succeeded in 1990 in shutting down the nuclear test site near the city of Semipalatinsk. Suleimenov is the leader of the Congress, which, while lacking the mass appeal and membership of its predecessor, retains a national following.

Originally declaring itself a loyal opposition party, the Congress only recently began to cultivate an identity distinct from SNEK. Last summer, both parties abandoned the last of several unsuccessful attempts to combine their organizations.

The Congress recently proposed amending the constitution to include Russian as an official state language. The objections of several members from Kazakhstan's predominantly Kazakh southern region compelled the party to downplay this aspect of the platform in more nationalist areas of the country. The Congress's economic program advocates growth through small business development and repudiates bureaucratic interference. It seeks to portray itself as an international party, and is promoting 58 candidates representing some 15 different nationalities in the March elections.

***Independent Trade Union Association.*** The ITUA is a loosely-organized umbrella organization that represents members of Kazakhstan's independent trade union structure. It is generally identified as the leading non-nationalist opposition organization in Kazakhstan.

The ITUA's platform focuses on economic issues. It advocates a more rational approach to privatization, changes in the wage and tax structure, improvements in labor relations and job training for workers displaced by industrial restructuring. The ITUA also seeks to shift power away from the official trade union structure and the managers and ministries that control the country's industrial complex.

The ITUA will field approximately 40 candidates for the March elections. The invalidation of its nominating convention forced the ITUA to withdraw its sponsorship of several candidates. As a result, these individuals have re-registered as independent candidates.

The ITUA has a large chapter composed mainly of independent coal miners in the northern city of Karaganda, the country's second largest urban center. The miners have not been paid regularly since September 1993. As with their counterparts in Ust-Kamenigorsk and Kentau, the miners have been among those hardest hit by the declining economy. The local administrations in these regions fear widespread unrest and the interruption of industrial activity. They have resisted the ITUA's attempts to support the miners and promote their candidacy for political office.

***The Union of Entrepreneurs.*** This organization represents members of Kazakhstan's new class of businessmen and women. It embraces the interests of both private entrepreneurs and the directors of some state enterprises. For the March elections, the Union nominated approximately 40 candidates to contest seats in Almaty, Karaganda and several southern cities. The Union's candidates are often the best-known figures in their districts; because of the structure of business in Kazakhstan, many also enjoy close relations with national, regional and local administrators. The Union will draw additional strength from the candidacy of several directors of state enterprises, many of whom are running as independent candidates but are formal members or informal supporters of the Union.

## ETHNIC ORGANIZATIONS

### **Kazakh Nationalist**

The Kazakh nationalist organizations advocate programs that promote, to varying degrees, the de-Russification of Kazakhstan. Many assert the revival of Kazakh language and culture. Some advocate removing Russians from the country's economic and political power structure, or creating separate categories for residents of Kazakh and non-Kazakh descent.



The nationalist parties also espouse distinctive views on the question of foreign investment. Many Kazakhstanis, regardless of ethnicity, express fears of economic exploitation and environmental destruction at the hands of enterprising foreigners. The Kazakh nationalists characteristically advocate an approach to economic growth that promotes indigenous small enterprise development in conjunction with stringent controls on the uses of foreign capital.

These positions on the issues of Kazakh cultural revival and foreign investment bring the nationalists into conflict with President Nazarbaev. They accuse him of being a "puppet of the Russian government" and a "servant of Western economic interests." In addition, they criticize him for favoring large industrial projects at the expense of smaller, localized business initiatives.

***The National Democratic Party.*** Many of the Kazakh nationalist organizations have recently coalesced to form the National Democratic party. The party has not yet registered with the Ministry of Justice and will not therefore be fielding candidates in the March elections. It hopes to form a faction in the newly elected parliament, and will constitute a force in future elections. It draws its leaders and members from the Republican party and the movements *Azat*, *Jeltoksan* and *Alash*. *Azat* is widely considered to be the most strident of the nationalist organizations, advocating the "decolonization" of Kazakhstan within its existing borders. *Jeltoksan* takes its name from the Kazakh word "December," which evokes the ethnic riots that broke out in Almaty in December, 1986. *Alash* champions Kazakh national revival in conjunction with the establishment of a democratic and lawful state.

***Kazakh Tilli*** is among the newest of the nationalist organizations, having formed in December 1993 to contest the parliamentary elections. The organization, whose name means "Kazakh tongue," is allegedly funded by the government to place moderate Kazakh nationalists in parliament and to coopt the influence of more ideological competitors, *Azat* and *Jeltoksan*.

## **Russian Nationalist**

Members of the Russian and Slavic communities were slow to organize following the collapse of the Soviet Union. Unlike other minority groups, including Koreans, Uighurs and Germans, Russians enjoyed sufficient preeminence in the power structures of the old regime to relieve them of the need to organize separate advocacy groups. They have recently begun to mobilize in response to economic hardship and challenges to the privileged status they enjoyed under the Soviet system, and are evolving into a potent political force.

The Russian nationalist movement includes an array of cultural groups, veterans associations, pensioners, trade unionists, Cossacks and others who historically shared little in common. They espouse philosophies that run the gamut from appeasement with the Nazarbaev regime to secession. Their programs concur, albeit to varying degrees, on greater protection of the economic, political and cultural rights of Russian-speakers. The intensity of

these demands is strongest in the Russian-dominated north. In the preponderantly Kazakh south, where Russian-speakers constitute approximately 20 percent of the population, they have largely accepted the eventuality of Kazakh domination of the state.

The predominance of Russians in the north of Kazakhstan results largely from the settlement of the region in conjunction with the "Virgin Lands" projects of the 1940s and 1950s. Russians managed and staffed these programs for the sake of the Soviet empire, with little awareness of the region's identity as Kazakhstan. The development and persistence of relations with Russians across the border in Siberia have further inhibited the development of allegiances to a separate republic or state.

*Lad*, formed in the summer of 1993, is the largest Russian nationalist movement. Based in Almaty, it is an umbrella organization that encompasses several groups in Kazakhstan and maintains contacts with others outside through a network of Slavic movements that extends throughout the former Soviet Union. *Lad* takes credit for persuading President Nazarbaev to postpone the deadline for choosing citizenship until March 1995.

*Lad* espouses economic and political protection for all citizens of Kazakhstan, although it places emphasis on the rights of the Slavic population. Its appeal reaches to members of diverse Russian-speaking groups, including Koreans, Germans, Tatars and some Kazakhs. In anticipation of the March elections, *Lad* adopted a platform that includes the establishment of a joint army and open borders with Russia, a return to the ruble zone and the legalization of dual citizenship. It has nominated few candidates, concentrating its efforts instead on supporting both independent and party-sponsored candidates who identify with its cause.

## SECTION IV

### **ELECTION ADMINISTRATION Electoral Commissions, Balloting and Monitoring**

#### **Electoral Commissions**

The Central Election Commission directs the administration of the March elections. Electoral commissions at the territorial, area and district levels will enjoy considerable autonomy and discretion in managing their part of the process as a result of the vast size of the country and the paucity of transport and communication links between the regions and the capital. The competitive, multi-candidate nature of these elections confronts these administrators with new challenges; it also creates new opportunities for manipulation and distortion of the process, both during the campaign period and at the ballot box.

The Central Election Commission was appointed by the president, even though the election law requires that appointments be submitted to parliament for review. Similarly, heads of *oblast* administrations, themselves presidential appointees, selected commissions at the lower levels without consulting corresponding representative bodies. The dissolution of the parliament and local soviets in December had the result of absenting these bodies from the selection process. All commissions include only one full-time member, the secretary, who, in most cases has accumulated years of service in election administration under the previous regime.

The elections will be administered in accordance with a four-tier commission system. The Central Election Commission presides over the process from the top, overseeing elections to the Presidency and Supreme Council, as well as the work of the lower commissions. It is responsible for configuring the 135 single-member constituencies, calculating the state allocation for candidates, distributing funds for candidates to the lower commissions and designing and printing the ballots for these elections.

The territorial (*territorial'nye*) commissions, whose mandate covers the oblast, administer elections to the oblast-level councils. For this purpose they define the local constituencies, prepare the ballots, disperse campaign finances and supervise the work of the lower commissions.

The *okrug* (*okrujnye*) commissions monitor both local and national races. Each *okrug* is a single-member constituency that elects one candidate to the Supreme Council. The *okrug* commissions establish the number of voter districts, hear complaints and receive and compile the protocols from the commissions at the district level.

Finally, the district (*uchastkovye*) commissions develop and publish voter lists, provide and prepare voting booths and ballot boxes, preside over balloting and tabulation and adjudicate complaints regarding voting lists and procedures.

The election law requires the district commissions to publish voter lists 15 days before the election, but does not specify where or how. The law accords citizens the right and opportunity to review and challenge the lists in the event of inaccuracies.

### **Balloting**

Each voter will receive four ballots: one for the single-mandate seat; one for candidates on the state list; one for the *oblast*-level representative body (Madlikhat); and one for the municipal body. Each ballot will list all the candidates and, as in previous elections, voters will cross out the names that they reject.

The Central Election Commission has ruled that ballots with more than one name not crossed out will be considered valid. Presenting its decision, the commission explained that since voters enjoyed the right to sign the registration petitions of multiple candidates, they should have the right to carry these preliminary endorsements through to the ballot. The admission of such ballots will certainly complicate the tabulation process. In constituencies with many candidates, it may disperse votes that are necessary to make up the winning margin under a majoritarian system.

### **Monitoring**

The election law specifically provides for representatives of candidates, news media and other "monitors" to observe the election process. The Central Election Commission has stated that monitors may include candidate representatives, journalists, members of domestic civic organizations and international observers. The Commission has also stated that it will allow nonpartisan monitoring by representatives of domestic civic organizations that are not sponsoring candidates for parliament, even though the election law does not specifically mention such observers.

Monitors will be allowed to attend meetings of the election commissions, monitor the campaign period for violations of the election law and observe the balloting and counting at polling sites as well as the tabulation of results at the republic, territorial, area and district levels.

## **SECTION V**

### **CONCLUSION**

This report is offered in recognition of the importance of the task facing the people of Kazakhstan as they prepare for the March elections. It is submitted in support of the development of a democratic political process in Kazakhstan.

There is more to evaluating an election system than merely comparing it with prescribed international norms. Popular confidence in the system is crucial if a democracy is to develop and survive. Thus, in certain instances, changes in the system may be necessary, not because they are required by an international norm but to increase public confidence in the election process.

There is a strong awareness that the March election, unlike past elections in Kazakhstan, will involve the participation of candidates from nongovernmental parties and movements. Many candidates are planning to campaign actively and are bringing the electoral process to the doors of Kazakhstani citizens. A number of features of the pre-election environment, however, give cause for concern. These concerns were noted by an NDI-sponsored international delegation in its February 10, 1994 preliminary review. See Appendix A.

In newly independent states emerging from long histories of one-party rule, only the most aggressive reassurances by the government can overcome the public's reservations about new electoral processes. Such reassurances are necessary to allay suspicions and overcome apathy. In this respect, NDI hopes that election authorities will take active steps to apprise voters of their rights and to prepare officials to be vigilant against abuses. This report is provided to government officials, election administrators and international observers as a contribution to this effort.

NDI recognizes that the process of political reform is complex and that the ultimate judgement of these elections will be made by the people of Kazakhstan. For its part, the international community offers its support for efforts to ensure that electoral processes contribute to democratic development.

## **Appendix A**



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## PRELIMINARY REVIEW OF THE MARCH 7, 1994 PARLIAMENTARY ELECTIONS IN KAZAKHSTAN

February 10, 1994

This preliminary review is offered by an international delegation that visited Kazakhstan between January 25 and February 8, 1994 to examine the election process and the political environment leading up to the March 7 parliamentary elections. The delegation, organized by the National Democratic Institute for International Affairs (NDI), included elections experts and regional specialists. The delegation, which visited Kazakhstan at the invitation of the Central Election Commission and political parties, traveled to Almaty and the oblast capitals of Chimkent, Jambul and Karaganda. The delegation's work was made possible by a grant to NDI from the U.S. Agency for International Development.

This is the first of two international delegations to be organized by NDI prior to the upcoming elections. A more comprehensive report, based on the findings of the delegation, will be issued by NDI later this month.

The delegation was charged with the following tasks: 1) to examine the December 1993 election law as well as its implementation in light of international standards and practices for multi-party parliamentary elections; 2) to assess administrative preparations for the March 7 elections; 3) to evaluate the political conditions in Kazakhstan in the period immediately prior to the beginning of the official election campaign period; 4) to discuss, where appropriate, the roles of political parties, candidates, nongovernmental citizens' organizations, and election administration officials in the pre-election period; 5) to identify issues that should receive further attention by subsequent pre-election study missions and election observers; and 6) to identify areas where improvements in election procedures could be made prior to the March 7 polling. In pursuance of these tasks, the team met with election officials (including members of the Central Election Commission, territorial, area and district election commissions), oblast government administrators, political party leaders, party-sponsored and independent candidates, civic and trade union activists, journalists, students and other citizens.

The delegation offers this preliminary review in recognition of the enormity of the task facing the people of Kazakhstan as they prepare for their first parliamentary elections under the new constitution. In addition to helping to inform the international community, this review is offered in the hope that it may assist election officials and the political contestants in Kazakhstan to improve conditions during the official campaign period. As described below, the delegation noted positive developments in the preparations for the March 7 balloting as well as serious shortcomings in the election process.

The delegation notes that there is more to evaluating an election system than merely comparing it with prescribed international norms. Popular confidence in the system is crucial if a democracy is to develop and survive. Thus, in certain instances, changes in the system may be necessary, not because they are required by an international norm but to increase public confidence in the election process. The delegation's observations and suggestions are offered with this view in mind.

The delegation wishes to highlight that its mission was conducted immediately prior to the beginning of the official campaign period and, therefore, does not draw any conclusions regarding the fairness of the campaign or the election process as a whole.

Substantive measures have been taken at this preparatory stage to promote popular awareness of the electoral process. The text of the election law was published in the state-run press, and copies were distributed to election officials at the republic, oblast and local levels. Most prospective voters with whom the delegation spoke appreciated that the upcoming elections, for the first time, present a choice of candidates. Election administrators appeared to be knowledgeable about the election law and to be undertaking their responsibilities in a conscientious manner. Moreover, numerous people reported that at the time of the delegation's visit there was relatively free political expression.

The delegation also noted that the December 1993 election law compares favorably in many respects to those of other transitional democracies. In particular, there is a guarantee of "universal, equal, direct electoral right by secret ballot" and the rule of "one person, one vote." These general provisions are elaborated in specific procedures requiring that voters must enter private voting booths in order to mark their ballots, that only one person may enter such booths at a time and that voters are prohibited from casting ballots on behalf of other individuals. The law also contains provisions aimed at preventing multiple voting by one person.

Further, the law specifically provides for representatives of candidates, news media and other "monitors" to observe the election process. The delegation was informed by members of the Central Election Commission and other election commissions that these provisions are being interpreted to allow candidate representatives, journalists, members of domestic civic (social) organizations and international election observers to attend meetings of the election commissions, to monitor the campaign period for any violations of the election law and to observe the balloting and counting at polling sites as well as the tabulation of results at the district (uchastkovy), area (okruzhnoi), territorial (territorialny) and republic levels.

The delegation was encouraged to learn that the election commissions are providing a role for observers from domestic civic organizations that are not sponsoring candidates for parliament, even though the election law does not specifically mention such observers. Based on past experience in many countries, NDI firmly believes that the presence of nonpartisan election observers from domestic nongovernmental organizations increases voter confidence in the integrity of the election process and enhances voter participation.



Notwithstanding these positive developments, the delegation observed a number of serious shortcomings in Kazakhstan's election process. Following are the delegation's major concerns and recommendations.

1) Forty-two of the 177 seats in the new parliament will be occupied by persons elected from a state list nominated solely by the President of the Republic. Such a provision undermines the competitive nature of the parliamentary elections. The delegation is aware of no established democracy that makes use of such a list. Numerous individuals told the delegation that the state list undermines confidence in the pluralistic nature of the new parliament and creates cynicism about the nature of the election process.

2) The relatively short campaign period, the restrictive nature of authorized campaign activities and the limited amount of campaign resources provided to candidates by the government combine to hinder the electoral chances of new candidates and political organizations.

The delegation notes the provisions in the election law (Articles 35, 36, 40 and 42) prohibiting non-state financing of campaigns, providing for equal state funding to each candidate, providing complete control by election commissions over how candidates' funds are spent as well as setting forth an exclusive list of campaign activities. While it is important for governments to take steps that provide equitable opportunities for political contestants, the need to address historical imbalances must also be taken into account. By not doing so, the provisions that seek to guarantee equality in the election law tend also to weaken genuine political competition. This is due in large measure to: the degree of identity of the state and the ruling party; the electorate's familiarity with the names of candidates who held prominent positions in the prior state and/or party apparatus; the weakness of opposition parties and movements; and the limited amount of time (approximately six weeks) provided for candidates to create organizations and satisfy registration requirements.

The delegation hopes that finances for candidates will be increased so that the present one-time, 10-minute appearance on oblast television and radio as well as 100 lines in newsprint for each candidate may be expanded and that candidates be provided a sufficient amount of discretionary funds so that they can establish their own spending priorities for communicating with the electorate.

3) The dominance of state-controlled news media poses a particular problem. The provisions for candidate access to such media (noted above) are limited, making it difficult for them to present meaningful messages sufficient for the electorate to make informed choices. This concern is heightened by the view expressed by a number of candidates that the uniform number and format of campaign placards and the limited time to personally contact voters would not be adequate to communicate effectively with voters.

Election officials reported to the delegation that television not under direct state control would be prohibited from covering candidates and election issues. In addition, there appears not to be well-developed guidelines for fair and equitable coverage of candidates and election issues on state news media. This situation could lead to unbalanced or biased coverage of candidates and political organizations. The delegation hopes that strict guidelines for fair reporting on candidates and political organizations will be adopted and enforced during the election campaign.

The delegation received expressions of concern that state facilities may cease printing a number of newspapers for a substantial portion of the campaign period, due ostensibly to mechanical problems at printing facilities or to the lack of newsprint and other materials. The delegation hopes that the government will take decisive measures to ensure full and continued publication of all newspapers throughout the election campaign, free of political pressure or interference.

4) The delegation witnessed one example of attempted state control over the political environment. This was manifest by criticism directed at the delegation by administrators in one oblast because it met a registered opposition group that is fielding candidates in the elections. Subsequently, the administrators refused to issue an invitation to the delegation for further visits to the oblast. The delegation hopes that the central administration will take steps to prevent state interference in the political process and that it will issue periodic statements that the election process is to be conducted in a free, open and transparent manner without administrative hindrances to legal electoral activities undertaken by anyone in Kazakhstan.

5) The election law provides for observers at polling sites, and election commission members assured the delegation that observers would be allowed to monitor the tabulation of results at all election commissions. The election law, however, does not require immediate announcement and/or posting of results at the polling sites and at tabulation centers, nor does it require that copies of official vote tallies and protocols be provided to observers. From past experience, the delegation noted that the provision of vote tallies to observers and the posting of tallies at polling sites and other counting centers can deter misconduct and enhance confidence in the overall process.

In order to address this concern, the delegation hopes that election officials would announce additional procedures regarding the vote counting and tabulation process. Such procedures could include: providing signed and certified copies of vote tallies and protocols to election observers, including candidate representatives, present at the polling site and at all election commissions during the tabulation process; immediately announcing results and publicly posting tally sheets for several days following the election at the polling sites and at all election commissions; and allowing election observers to sign the protocols and to attach any comments or complaints regarding their observations.

6) The delegation noted that the law requires that election commissions at all levels be appointed cooperatively by the legislative and executive branches of government. However, due to the suspension of legislative bodies, election commissions were appointed solely by the executive. As a result, candidates and political organizations expressed concern about the credibility of election commissions. A number of candidates stated that they had received no response to complaints lodged with election commissions. While the delegation did not have the opportunity to monitor the electoral complaint process, it was concerned about perceptions that election commissions may not be able to act promptly and impartially.

The delegation hopes that the government and Central Election Commission will take steps to enhance the credibility of the election commissions. Requiring that election commission meetings at all levels be either open to the public or at least to all election observers and candidate representatives should aid this development. Representatives of the candidates and political organizations could also be named as members of the election commissions as has been done successfully in a number of transitional democracies.

7) The delegation examined the requirement that a candidate deposit, presumably from personal savings, five times his or her monthly wages as a condition of registration. This requirement appears to create a formidable barrier for prospective candidates lacking substantial financial resources -- thereby limiting choices for the voters. The delegation hopes that the government will review this requirement for future elections. One alternative is to permit prospective candidates to raise funds for the deposit.

\* \* \* \*

The delegation notes that in newly independent countries emerging from long histories of one-party rule only the most aggressive reassurances by the government can overcome the people's reservations about new election processes. Such reassurances are necessary to allay suspicions and overcome apathy.

In this respect, the delegation hopes that election authorities will take active steps to prepare all officials to be vigilant against electoral abuses. Moreover, the delegation recommends that the government and election authorities mount a vigorous voter education campaign beginning immediately and lasting until election day. Such a campaign should address the importance of voting, the responsibility of voters to become informed about the different candidates, and the guarantee of a secret ballot. The campaign should also provide specifics of where, when and how to verify names on voters lists and where, when and how to vote (including new provisions such as the requirement that an election official sign the ballot when it is issued in order to validate it).

The delegation wishes to emphasize that this preliminary review is offered in support of the democratization process underway in Kazakhstan. We recommend that subsequent study missions and election observer delegations examine issues identified by this delegation in addition to the actual conduct of the election campaign as well as the balloting and counting

process.

The delegation also stresses that its observations are expressed to the government, Central Election Commission and people of Kazakhstan in a constructive and supportive manner, and in a spirit of international cooperation. The delegation recognizes that the political reform process is complex and that the ultimate judgment of the electoral process will be made by the people of Kazakhstan. We offer our support to all those who are working to ensure that the electoral process contributes to Kazakhstan's democratic development and prosperity.

Finally, the delegation expresses its appreciation to the members of the Central Election Commission, government officials, candidates, representatives of political and civic organizations and other citizens who freely offered their cooperation and hospitality.

## **Appendix B**



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## NDI ACTIVITY IN KAZAKHSTAN AND CENTRAL ASIA

The National Democratic Institute for International Affairs (NDI) has been working for over a year to implement programs that promote the development of a participatory civic culture and democratic institutions in Central Asia.

NDI's commitment to Central Asia is based upon a recognition of the potential the region holds for successfully managing the transition from totalitarianism to political pluralism. NDI recognizes, however, that understanding of and support for political reform throughout the region remains weak. It is to overcome these weaknesses that NDI seeks to develop timely and continuing assistance programs.

NDI develops assistance programs in response to requests from a constituency that includes political leaders, civic activists, parliamentarians, government officials, journalists, professionals, academicians and students. The programs are diverse, involving issues relating to political reform, legal reform, economic development, social policy and the organization and institutionalization of a civic sector. In both designing and implementing its programs, NDI enlists the expertise of its field representatives, its Washington-based staff and international experts. In addition, NDI relies heavily upon the cosponsorship of local organizations.

From its field headquarters in Almaty, NDI services Kazakhstan, Kyrgyzstan and Uzbekistan. In 1993 - 1994, NDI will explore the possibility of extending its activities to Tajikistan as well. In addition to organizing periodic seminars and conferences, field representatives serve as a local resource for ongoing training, consultation, literature and information.

NDI has conducted the following programs as part of its overall effort to promote civic awareness and activism and the development of sound governing institutions in Central Asia:

### **Kazakhstan**

- Between January 25 and February 8, 1994, NDI conducted an assessment mission to Kazakhstan to evaluate administrative preparations and the political environment leading up to the March 7 parliamentary elections. The international delegation traveled to Almaty and the oblast capitals of Chimkent, Jambul and Karaganda. The team met with election officials, oblast administrators, political party leaders, party-sponsored and independent candidates, civic and trade union activists, journalists, students and other citizens. In the course of the mission, the delegation also provided consultation and training in domestic election monitoring to political and civic groups participating in the process.

NDI will sponsor a subsequent training mission to Kazakhstan in late February, and will maintain international presence in the country through the elections.

- In October 1993, NDI conducted a series of consultations on the political implications of election law choices. Over four days, a team of international experts met with members of the Parliamentary Commission on Election Laws, political party leaders, journalists, members of the Central Election Commission and representatives of the presidential apparatus. Issues included the comparative merits of proportional representation and majoritarian systems; corruption and campaign finance; the composition of the electoral commission; methods for nominating candidates; and the relationship of the international and domestic public to the electoral process.
- In August 1993, NDI cooperated with the Almaty-based civic organization "LIANA" to sponsor the conference, "The First Central Asian International Conference on Women in Contemporary Society." Over 80 women from Central Asia, Russia, Europe and the United States attended the event.
- In May 1993, NDI conducted a seminar entitled, "What a Political Party Should Do 18 Months before an Election." Over 100 political party leaders and civic activists from Almaty attended the program, which was designed to begin mobilizing the electorate for parliamentary elections in 1994.
- During March 28-29, 1993, NDI conducted a regional seminar entitled, "The Relationship between Economic Development and Political Reform" in Almaty. NDI's international training faculty included representatives from England, Estonia, India, Israel, South Korea and the United States. Over 270 participants from four Central Asian states attended.
- In February 1993, NDI convened a town forum on education and curricular reform in Almaty.
- In January 1993, NDI conducted a series of three seminars on the topic, "Effective Organizing." Over 100 people attended the sessions which were designed to impart basic organizing skills to nascent civic groups.

### **Kyrgyzstan**

- In May 1993, NDI conducted a seminar entitled, "The Fundamentals of Election Law" in Bishkek. The seminar provided international expertise and consultation to representatives of political parties, the parliament and the presidential apparatus who are instrumental to the development of Kyrgyzstani draft election laws. NDI's international faculty of trainers included representatives from Germany, Israel, Turkey and the United States.
- During March 31 - April 1, 1993, NDI conducted a seminar entitled, "The Relationship between Economic Development and Political Reform in Resource-

limited Countries" in Bishkek. NDI's faculty of international trainers included representatives from England, Estonia, India, Israel, South Korea and the United States. Over 100 people attended from regions across Kyrgyzstan.

## **Uzbekistan**

- During February 16 - 19, 1993, NDI conducted a regional conference entitled, "Building Political Consensus for Economic Reform" in Tashkent. NDI's international training faculty included representatives from Bulgaria, Hungary, Turkey and the United States. Participants from each of the Central Asian states attended.

NDI is committed to continue working in Central Asia in a pluralistic spirit and for the purpose of supporting political reform. Activities for the region may include election law assistance, political party training and voter education in anticipation of 1994 parliamentary elections in Kazakhstan, Kyrgyzstan and Uzbekistan; civic organizing; undergraduate level civic education; women's programming and the translation and distribution of written materials.

The program in Central Asia is part of a larger program designed to support the development of democratic institutions in the newly independent states of the former Soviet Union. In addition to its Almaty office, NDI has permanent field offices and staff in Moscow and Kiev.

NDI is committed to sharing a range of international experience and reform options with its constituents so that they may choose for themselves the solutions most appropriate to their needs. NDI seeks neither to promote the superiority of one international model nor to advance a single point of view. It strives to practice inclusiveness and nonpartisanship in its programs, providing information and assistance to all groups that demonstrate receptiveness to the democratic process.

February 22, 1994