

## Kazakhstan and the OSCE

Co-operation with international organizations and active participation in the work of multilateral forums play an essential role in the process of consolidating sovereignty, statehood and national security in the Republic of Kazakhstan.

One international body of vital importance for Kazakhstan is the Organization for Security and Co-operation in Europe (OSCE). Established in 1975 with the aim of initiating and developing a dialogue between the antagonistic blocs of the Cold War, the OSCE not only remains significant today, but has even intensified its activities directed at securing peace and stability in Central Asia.

### *Security, Stability and the Democratic Transformation of Kazakh Society and the OSCE*

Kazakhstan joined the OSCE in January 1992, thus committing itself to the principles of the Helsinki Final Act. For this young state, it was an important step towards joining the global community. At the time of accession, it was assumed that close and constructive co-operation with international organizations would promote the development of friendly and constructive relations and that, for their part, the international organizations would contribute to strengthening democracy in Kazakhstan. On the basis of the various provisions of the Helsinki Final Act, the Charter of Paris for a New Europe and the Vienna and Budapest Documents, Kazakhstan assumed that its participation in the OSCE would ensure its involvement in the elaboration of a pan-European security model.

At the Helsinki Summit Meeting in 1992, the OSCE participating States agreed to begin the realization of a programme of co-ordinated support for recently admitted countries. The goal of the programme was to utilize the experience and the potential of the OSCE States in all the Organization's fields of activity.

In May 1992, Kazakhstan, as a full Party to the START-1 Treaty, signed the Lisbon Protocol, thereby committing itself to renouncing nuclear weapons. Kazakhstan was the first state party to the Lisbon Protocol to accede to the Nuclear Non-Proliferation Treaty (NPT) as a non-nuclear-weapon state. During the OSCE Summit in December 1994 in Budapest, the USA, the Russian Federation and the United Kingdom signed a memorandum on security guarantees with Kazakhstan, relating to the latter's accession to the

NPT as a non-nuclear state. Kazakhstan subsequently obtained similar guarantees from two other nuclear powers, China and France.

The government of the Republic of Kazakhstan thus proved with its actions its loyalty to the principles and goals of international security while creating a springboard to enable the best possible leverage of its foreign policy potential.

In recent years, co-operation between the Republic of Kazakhstan and the OSCE has taken on special significance. The Organization has extended its activities considerably in the Central Asian region, devoting special attention to solving economic and environmental problems and strengthening the corresponding dimensions of its work.

At the 1998 meeting of OSCE foreign ministers in Oslo, joint memoranda were signed on the opening of an OSCE Office in Almaty and on co-operation with the OSCE's Office for Democratic Institutions and Human Rights (ODIHR). The OSCE Centre in Kazakhstan was subsequently opened and successfully began operations. A series of joint projects were implemented with ODIHR and were well received in the OSCE.

The importance of our region for the OSCE was underlined by the establishment of the Personal Representative for Central Asia of the OSCE Chairman-in-Office, a post held by OSCE Secretary General Ján Kubiš from 2000 to 2002.

The opening of the OSCE Centre in Kazakhstan and the establishment of the post of the Personal Representative are evidence of intensified co-operation between Kazakhstan and the OSCE. This has included numerous trips by the directors of various OSCE institutions to Kazakhstan, the implementation of a series of OSCE seminars, co-operation in the preparation and implementation of parliamentary elections in Kazakhstan and the realization of various programmes in all three dimensions of OSCE activity: the economic and environmental, the human and the politico-military.

The good relations between Kazakhstan and OSCE Secretary General Ján Kubiš were shown by his personal participation at the summit meeting of the Conference on Interaction and Confidence-Building Measures in Asia (CICA) in Almaty (3-5 June 2002). The majority of conference participants held the view that co-operation between the OSCE and CICA would be mutually beneficial.

Evidence of constructive dialogue between Kazakhstan and ODIHR is provided by their collaboration on a document containing recommendations for electoral reform, which was used as the basis for changing the previous law on elections. ODIHR also organized the monitoring of parliamentary elections in Kazakhstan in the autumn of 1999 and has conducted programmes jointly with the Kazakh government within the framework of the memorandum on co-operation.

Kazakhstan has also co-operated successfully with other OSCE structures, including the Forum for Security Co-operation, the Office of the High

Commissioner on National Minorities, the Office of the OSCE Representative on Freedom of the Media, the Office of the Co-ordinator of OSCE Economic and Environmental Activities and the OSCE Parliamentary Assembly.

The most important event at the time of the Millennium was the OSCE Summit in Istanbul at the end of 1999, at which the delegation of the Republic of Kazakhstan was led by President Nursultan Nazarbaev. At the Istanbul Summit Meeting, a series of basic documents on international security co-operation in the 21st century were adopted:

1. The Vienna Document 1999 on Confidence- and Security-Building Measures
2. The Agreement on Adaptation of the Treaty on Conventional Forces in Europe (CFE Treaty)
3. The Charter for European Security
4. The Istanbul Summit Declaration.

The Istanbul Summit was characterized by fierce debate on all points with the exception of the Vienna Document, which did not contain any substantial differences to the previous version of the Document from the year 1994.

The Summit Declaration and, above all, the most important document of the meeting – the Charter for European Security – contain no points whatsoever that run counter to the interests of Kazakhstan. On the contrary, our recommendations on the current relevance of the economic and environmental aspects of security were included in Point 5 of the Charter.

The Adapted CFE Treaty was amended to reflect Kazakhstan's new national and territorial ceilings for conventional armed forces and armaments as agreed with the Russian Federation.

According to the OSCE Chairmanship and the delegations of the participating States, President Nazarbaev's speech at the Summit Meeting testified to an honest striving on the part of our country to enter into dialogue with the international community and to continue to introduce democratic and market economy reforms. As was emphasized in the course of unofficial talks, this has become particularly clear in contrast to the negative position taken by the representatives of some other Central Asian countries.<sup>1</sup>

Kazakhstan's vigorous dialogue with the OSCE continued during President Nazarbaev's visit to the Organization's Vienna headquarters on 24 and 25 February 2000. In his speech before the Permanent Council, the Kazakh President emphasized that the OSCE's function had changed considerably in the last decade of the 20th century as the Organization had started to perform early-warning tasks and to participate in conflict prevention and settlement.<sup>2</sup>

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1 Cf. Saginbek Tursunov, *Dialog Kazakhstan s OBSE*, in: *Prioritety kazakhstanskoi diplomatii na rubezhe vekov*, Moscow 2000, p. 43.

2 Cf. President Nursultan Nazarbaev's speech given at the meeting of the OSCE Permanent Council, Vienna, 24 February 2000, in: *Diplomaticheski Kurer* 1/2000, pp. 72-75.

General guidelines for further co-operation between the Republic of Kazakhstan and the OSCE were established on the basis of agreements made in the course of this visit. The key issues identified were those which related to implementing economic reforms, solving environmental problems, and tackling the growing threats posed by terrorism, international drug trafficking and religious extremism. Kazakhstan and other countries that have chosen the path of democratization are currently undergoing a period of socio-political transformation. It is important that the scope of co-operation is able to expand in a way that takes account of the unique aspects of this transformation.

In June 2002, the first summit meeting of the Conference on Interaction and Confidence-Building Measures in Asia (CICA) took place in Almaty. For the first time, the Heads of State of 16 Asian countries met to declare their political will and interest in joining forces to find means to strengthen peace and stability in the Asian region. The concluding documents adopted at this summit meeting – the Almaty Act and the Declaration on Eliminating Terrorism and Promoting Dialogue among Civilizations – were the first steps towards achieving these goals.

At the end of 2001, Kazakhstan celebrated the tenth anniversary of its independence. In this period of time – short by the usual standards – important goals were achieved: Stable foundations for statehood were created, national unity was consolidated, and Kazakh society chose to take the path of democracy. In the words of President Nazarbaev: Democracy is our conscious choice.

Kazakhstan owes its successes in economic development and the solution of its social problems to its citizens, who belong to 100 different ethnic groups.<sup>3</sup> National unity is an important factor in guaranteeing our country's domestic stability, without which the 35 per cent growth in gross domestic product in the last three years could not have been achieved. Today, around 70 per cent of the national budget is accounted for by social matters; the government has provided a billion dollars to pay for retirement benefits alone.<sup>4</sup>

Kazakhstan has developed an effective investment programme directed towards the socio-economic development of the country's rural regions. Implementation of this programme will make it possible to reduce poverty in our country. Moreover, by focussing primarily on small enterprises, the programme will create the prerequisites for the further growth of the middle class.

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3 Composition of the population of Kazakhstan (1 January 2002): Kazakhs 55.8 per cent, Russians 28.3 per cent, Ukrainians 3.3 per cent, Uzbeks 2.6 per cent, Germans 1.8 per cent, Tatars 1.6 per cent, Uigurs 1.4 per cent, Belarusians 0.7 per cent, Koreans 0.7 per cent, Azeris 0.6 per cent, Turks 0.6 per cent, other ethnicities 2.6 per cent; see *Kazakhstanskaya Pravda*, 5 April 2003.

4 Cf. President Nursultan Nazarbaev's speech at the United Nations World Summit on Sustainable Development (WSSD) on 3 September 2002 in Johannesburg. Official website of the Ministry of Foreign Affairs of the Republic of Kazakhstan: [http://www.mfa.kz/russian/art\\_040902CAR.htm](http://www.mfa.kz/russian/art_040902CAR.htm) (in Russian).

Kazakhstan was the first post-Soviet state to be recognized by the European Union and the US government as a country with a market economy. At the Earth Summit in Johannesburg, President Nazarbaev emphasized that in the ten years since the first Earth Summit in Rio de Janeiro, humanity has made no progress in solving the problems associated with poverty. He said this applied to practically all post-Soviet states, stressing that poverty provides the most fertile soil for the growth of terrorism, religious extremism and transnational crime. These problems he described as extremely acute in the states of Central Asia.<sup>5</sup>

The new security threats in the region pose a danger not only to the national security of Central Asian states, but also to the region's democratic achievements. The economic and political reforms implemented in Kazakhstan have no precedent in Central Asia. The result of these reforms has been the creation of basic institutions of democracy and civil society. The Parliament of Kazakhstan adopted the law "On Political Parties", which aims to increase the participation of citizens in political processes, to strengthen the role and the authority of political parties in the life of society and the state and to transform them into an effective instrument of civil society.

The following key points for achieving further democratization have been identified:<sup>6</sup>

1. Modernizing public administration. The Kazakh Parliament will shortly adopt the law "On Local Self-government", which will enable the resolution of numerous questions on the relations between the central government and the regions. Local administrative organs will acquire extensive competencies in areas including finance. There is no doubt that this law will promote the democratization of society.
2. Improving the electoral system. This is being carried out with the involvement of political associations, non-governmental organizations (NGOs) and, of course, the OSCE. A final document has already been produced; the proposals contained therein provide a foundation for changes and additions to the existing electoral law.
3. Further consolidation of the institutions of civil society. The number of NGOs has increased to 3,500. A policy on state support for NGOs was adopted in 2002, on which the law on non-governmental organizations will be based. An ombudsman institution was established in co-operation with ODIHR to complement the national system for the protection of human rights. By making use of this institution, citizens learn to protect their rights.

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5 Cf. *ibid.*

6 Cf. on the following the main directions of foreign and domestic policy for 2004, address of the President to the people of Kazakhstan; 4 April 2003, in: *Kazakhstanskaya Pravda*, 5 April 2003. See also: Nursultan Nazarbaev, Main Directions of Foreign and Domestic Policy, in: *Kazakhstan Economic Review*, January-March 2003, pp. 15-24, at: <http://www.kazakhstaninvestment.com/support-files/ker-mar2003.pdf>.

4. Strengthening the role and enhancing the status of the media. The fate of Kazakhstan's democracy and the prospects for the country's progressive development will depend upon how the media develops. A new media law included further liberalization measures, consolidating media freedom. The state monopoly over the media has been abolished and 95 per cent of all media in Kazakhstan is now in private hands. Kazakhstan is occasionally criticized by international and non-governmental legal-rights organizations for its lack of democracy. However, while the situation may be far from ideal according to the standards of developed democracies, President Nazarbaev has emphasized that: "If one takes into consideration the standards of a country which has just overcome totalitarianism, the progress made has been monumental. To ignore the overall direction of the development of a state that is increasingly building liberal institutions means undermining the motivation for creating such institutions. We hope for a balanced assessment and understanding of the difficulties involved in reforming a society in transition. Our approach to fulfilling OSCE standards is based on the recognition that it will take a long time for them to take root throughout society."<sup>7</sup>
5. Improving the operations of courts and the legal system. With the support of ODIHR, an independent and effective court system is being built up in Kazakhstan. The adoption of the law "On the Court System and the Status of Judges", considerably increased the authority of the courts and established the irremovability and immunity of judges. Plans for the near future include the introduction of trial by jury and a system of specialized courts – predominantly economic and administrative courts.

At the same time, responsibility for the penal system is being transferred gradually to the Ministry of Justice. This will contribute to improving the treatment of prisoners. The same end will also be served by the work of ensuring that prison conditions in Kazakh penal institutions conform to the UN Standard Minimum Rules for the Treatment of Prisoners and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. There are also plans to adopt a series of laws in the near future to improve prison conditions.

Kazakhstan's co-operation with the OSCE has recently undergone a qualitative improvement. The country is now more intensively involved in solving a broad range of politico-military, socio-economic and humanitarian problems.

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7 Nursultan Nazarbaev, speech at the OSCE Summit in Istanbul, 18 November 1999, in: *Diplomatičeski kurer* 4/1999, p. 72 (author's translation).

### *Intensification of OSCE Activity in Central Asia*

In Central Asia today, processes such as the reorganization of the economy on market principles are accompanied by those such as the strengthening of the authoritarian basis of governance; growing national self-consciousness goes along with aggressive manifestations of nationalism and Islamic fundamentalism. Central Asia faces a growing problem of international terrorism and political extremism dressed up in religious slogans. The region also plays a major role in the international trade in illegal drugs.

One cannot exaggerate the importance of the OSCE's role in Central Asia. The Organization serves primarily as a well-established channel for co-operation between Europe and Central Asia. The OSCE is a regional arrangement, one of the most important organizations for peaceful dispute settlement in Europe and a key instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation. As far as its activities in Central Asia are concerned, the OSCE needs to refashion its methods to take into consideration specific regional conditions, innovative thinking and the prevailing moods of the populations in Central Asian societies.

The presence of an organization like the OSCE in the Central Asian region is indispensable for upholding peace and security. The provision of expert advice and the political support provided by OSCE institutions are particularly important aspects of this.

The OSCE is open to co-operation with other regions in many areas. The Istanbul Summit Meeting in November 1999 was the first whose documents contained explicit details of the growing significance of Central Asia for the OSCE. Thus, point 6 of the Charter for European Security states that the risks and threats to security in direct proximity to the region have an immediate affect on the security of the entire OSCE area. This has served to strengthen the Central Asian component of the OSCE.

The variety of potential issues and conflicts in the area gives rise to numerous topics for practical co-operation. The joint efforts of the OSCE and the countries in the region aim to promote the creation of economic and political ties and economic and democratic reform.

Stability in Central Asia represents a key requirement for security in the region, which borders on Afghanistan, Iran, China and Pakistan.

The following activities of the OSCE are particularly important for the democratization of the countries of the region:

- Assistance in the fight against drug trafficking and drug addiction
- Co-operation in fighting terrorism and religious extremism
- Military aspects of security, including concrete confidence- and security-building measures in the CIS area
- Co-operation on reducing tensions in conflicts relating to finite water resources

- Support in consolidating Central Asian integration
- The work of the numerous OSCE missions that contribute to early warning, conflict prevention and crisis management
- The diffusion of OSCE norms and standards in the human dimension
- The activities of ODIHR.

*A Kazakh Perspective on Ways to Revitalize the OSCE*

With Central Asia one of the topics currently being prioritized within the OSCE, it is vital to grasp the opportunities the Organization provides to resolve our republic's economic and environmental problems and regional-security issues. It is particularly important to make more active use of the resources of the OSCE Centre in Almaty to ensure a broader Kazakh contribution to the work of different OSCE institutions.<sup>8</sup>

Kazakhstan's notification of its national and territorial ceilings for conventional weapons requires an intensification of work in the politico-military dimension within the scope of the Vienna Document 1999 and the Adapted Treaty on Conventional Armed Forces in Europe (CFE).

At present, the OSCE has a rich arsenal of political and legal mechanisms and procedures to settle and resolve conflicts between participating States. These include negotiation and consultation, mediation, fact-finding and rapporteur missions and conciliation and arbitration.

The CIS member states are in agreement that those involved in a conflict have the greatest responsibility for its solution. At the same time, however, they consider that more needs to be done to improve the mechanisms for mediation and peacemaking. The basis for this work is the policy on the prevention and management of conflicts on the territories of CIS states adopted by the Council of Heads of States of CIS countries on 19 January 1996. In addition, the OSCE needs to participate more effectively in conflict settlement in CIS member states, particularly with respect to providing resources and financing peacekeeping missions being implemented under CIS mandates.

It his statement at the OSCE Permanent Council meeting of 11 September 2002 in Vienna, the Secretary of State and Minister of Foreign Affairs of the Republic of Kazakhstan, Kassymzhomart Tokaev, emphasized that it would be necessary to focus on implementing regional projects in the areas of strengthening security, economic development, environmental protection and combating international crime, including the drug trade.<sup>9</sup>

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8 Cf. President Nazarbaev's speech given at the meeting of the OSCE Permanent Council, cited above (Note 2).

9 Cf. Statement by Secretary of State and Minister of Foreign Affairs of the Republic of Kazakhstan Kassymzhomart Tokaev at the meeting of the OSCE Permanent Council, Vienna, 11 September 2002, at the official website of the Ministry of Foreign Affairs of the Republic of Kazakhstan: [http://www.mfa.kz/russian/art\\_110902obse.htm#](http://www.mfa.kz/russian/art_110902obse.htm#) (in Russian).

The UN World Summit on Sustainable Development (WSSD) in Johannesburg, adopted the goal of developing mechanisms to overcome the contradictions of current economic and political developments. The most important task in this endeavour is to realize the right of every human being to a dignified existence. The OSCE can make a substantial contribution to performing this essential task.

It is also imperative to co-operate on solving the problems in Afghanistan. Peace and security in Eurasia depend upon the effectiveness of the international community's efforts to normalize the situation in this country. Afghanistan continues to be unstable and is a major source of drugs that reach Europe through Central Asia. The growth of foreign trade, the permeability of the region's borders, the existence of major international transportation routes and Kazakhstan's geopolitical situation mean that the territory is used as a "transit corridor" for illicit drugs. The main drug-smuggling routes from south-western Asia to European countries run through Kazakhstan. To be precise: Almost 65 per cent of the drugs produced in Afghanistan are transported through our country.<sup>10</sup>

The problem of Afghanistan's economic reconstruction is especially significant. Kazakhstan intends to be actively involved in the implementation of the international assistance programme for Afghanistan, the peaceful reconstruction of which will, without a doubt, have a positive effect on the fight against terrorism.

As far as Kazakhstan is concerned, the OSCE is strengthening its activities to combat terrorism at the right time. We welcome the establishment of anti-terrorist units in the Secretariat and ODIHR, the commencement of operations of the Senior Police Adviser and the strengthening of the activities of the Co-ordinator of OSCE Economic and Environmental Activities within the framework of combating terrorism.

"With a view to the OSCE's activity on preventing the dissemination of small arms and light weapons, we consider it possible that the OSCE can contribute to the organization of a conference on this topic under the auspices of the United Nations in the year 2003 in Kazakhstan. We assume that activities in this area will increase the effectiveness of the OSCE's Bucharest Plan of Action and Bishkek Programme of Action for Combating Terrorism. The realization of these plans should include strengthening border, customs, immigration and emigration authorities and taking combined action to combat the illegal drug trade."<sup>11</sup>

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10 Cf. Statement by Kassymzhomart Tokaev, Secretary of State and Minister of Foreign Affairs of the Republic of Kazakhstan, at the general debate of the Ministerial segment of the 46th Session of the UN Commission on Narcotic Drugs, 15 April 2003, at the official website of the Ministry of Foreign Affairs of the Republic of Kazakhstan: [http://www.mfa.kz/russian/art\\_150403.htm](http://www.mfa.kz/russian/art_150403.htm) (in Russian).

11 Statement by Secretary of State and Minister of Foreign Affairs of the Republic of Kazakhstan Kassymzhomart Tokaev at the meeting of the OSCE Permanent Council, cited above (Note 9, author's translation).

Kazakhstan is quite aware of how important it is for the Central Asian countries to co-ordinate their efforts in solving the acute problems they face. These include the need for rational and efficient use of water resources; the rehabilitation of the environmental disaster area of the Semipalatinsk region and the Aral Sea; preventing further soil degradation and desertification; and preserving biodiversity, especially in the region of the Caspian Sea. Only by joining forces to combat these problems can the countries of Central Asia ensure conflict-free and stable development in the region. Long-term assistance on the part of the OSCE is urgently necessary for this.

Co-operation in the development of fundamental principles in international law for water-resource management and the realization of a programme of measures to solve the region's economic and environmental problems would be of prime importance for this. We have made considerable progress in pushing forward international co-operation in this area. A series of agreements have been concluded with governments and individual authorities in neighbouring countries and other interested countries in Europe and Asia. Kazakhstan is also participating actively in the work of several regional organizations that address these issues.

The Central Asian states urgently need to secure their borders and to take decisive measures to fight the use of their territories as transit routes for illicit drugs. At the same time, however, the existing means are far from adequate to this task. Consequently, they have the right to expect comprehensive assistance in solving these urgent problems, including help from donor countries and international organizations.<sup>12</sup>

Kazakhstan supports the activity of the Office of the Co-ordinator of OSCE Economic and Environmental Activities and the strengthening of his position, which will improve his ability to finance projects.

Kazakhstan upholds democratic values and is prepared to engage in constructive dialogue with the OSCE on the following questions:

- Compliance with international commitments in the area of human rights
- The development of democracy
- Building up civil society in the spirit of constructive partnership and mutual respect.

Inner stability and progress in the reform process are interdependent. Our experience makes it very clear that the hopes of success for economic and political reforms cannot be fulfilled without peace and stability in the country.

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12 Cf. Statement by Kassymzhomart Tokaev, Secretary of State and Minister of Foreign Affairs of the Republic of Kazakhstan, at the general debate of the Ministerial segment of the 46th Session of the UN Commission on Narcotic Drugs, cited above (Note 10).