

## Assessing Kazakhstan's January 15, 2012 Majilis Election

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- This is not the first or even second parliament to be dismissed in Kazakhstan, with early, off-cycle elections called. In 1995, the parliament elected in March of the previous year was dissolved ostensibly due to it being too oppositional; in 2011 it was dissolved perhaps because it wasn't oppositional enough. In both cases the constitution was also changed to allow for an early decision on the president's own mandate; in 1995 via referendum, and in 2011 the early presidential election called for March of that year.
- So, in just over twenty years since independence, what exactly do we have in Kazakhstan, and will history continue to repeat itself?
- To understand the present electoral context we ought to look at the rules and conditions under which this election was held. Kazakhstan employs an open-list system of proportional representation for its direct election of 98 seats (out of 107) to the Majilis, one in which the entire country and its 14 oblasts/two major cities are essentially one national constituency. Voters will not necessarily know who from the list is selected by the party to serve as a deputy until it is determined from the election how many seats the party won, and who it chooses from the list thereafter. These deputies are then affirmed by the Central Election Commission. This type of system has historically worked best in countries with a strong system of political parties; which is something that Kazakhstan lacks. Further, the system in Kazakhstan offers no guarantees of who on the list will be selected to serve as deputies should the party win mandates. The system as well removes the element of 'local representation' as seen in majoritarian systems or even mixed systems, meaning voters in different regions of the country will have little connection to the person representing them.
- Under Kazakhstani law there are no electoral blocs permitted, and no independent candidates took part in the vote.
- Political parties had two months to prepare for the elections after the Majilis was dissolved last November; elections were originally scheduled to take place in August of 2012. Some parties were not registered and could not register in time, while others were de-registered before the election or banned for a six-month period of time for legal violations. Seven parties ultimately competed.
- The proportional representation barrier Kazakhstan is 7 percent, which three parties appear to have surmounted in this election. Exit polls in Kazakhstan seemed to predict this with uncanny accuracy.
- Electronic voting, used in the last three national elections, was not employed in the parliamentary vote last Sunday. Officially this was due to "technical considerations," but it may be in response to the growing mistrust of touch-screen voting as an option to voters in favor of more traditional (and verifiable) means.

- The goal of obtaining a deliberative legislative body is a necessary one, as a check-and-balance on the other branches of power. But the question here is: has that been achieved, and what of the process itself? It is true that the outgoing Majilis did not lack its share of fiery oratory and debate; it was more of a four and a half year-long party congress in many ways, with little disagreement over core ideological issues.
- Some observer reports, such as those issued by the OSCE and the domestic monitoring group the Republican Network of Independent Monitors suggest that elections were administered well technically, though there were inconsistencies in the vote counting process and concerns over multiple-voting. The latter can be seen in one of two ways: either the age-old problem of family voting (a Soviet leftover), or else something perpetrated by forces hostile to democratic elections. In either case this should have been reported by poll workers and local observers. Additionally, some observers were not allowed to view the counting process up close, thereby challenging their ability to verify results. The CEC posted national and oblast-level results on its website within two days of the election but did not post PEC-level results. As well, some suggest voter turnout was higher in regions such as Almaty than was actually the case.
- Nevertheless the president's party is popular, and is widely viewed as progressive. It is also true that opposition parties, and these can be grouped into "soft" and "hard" opposition, have not always been issue-based, but rather personality-based, and have been challenged to draw a national following.
- So will the new parliament truly be a deliberative body with opposition viewpoints that fundamentally diverge from those of the president and Nur-Otan? That remains to be seen, as do the next steps for parties which remain outside of parliament and their ability to influence policy from outside the national legislature.
- Elections in Kazakhstan remain a work in progress, not as much on the technical side but in terms of an inclusive exercise that generates public confidence and acceptance.
- The inherent weaknesses in the system, and the political will to carry out inclusive, transparent elections, certainly reinforce the need for strategic engagement by USAID-funded democracy assistance providers such as IFES, which has previously worked in Kazakhstan to provide technical assistance, support for civil society development, and ground-breaking civic education opportunities for Kazakhstan's next generation of voters and leaders.

