



ҚАЗАҚСТАН РЕСПУБЛИКАСЫНЫҢ  
ЕҚЫҰ ЖАНЫНДАҒЫ ТҰРАҚТЫ ӨКІЛДІГІ

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PERMANENT MISSION  
OF THE REPUBLIC OF KAZAKHSTAN TO THE OSCE

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**Statement by the Permanent Representative of Kazakhstan,  
Ambassador Kairat Abdrakhmanov,  
in response to the statements on the term of office of the  
President of Kazakhstan  
at the 847<sup>th</sup> Permanent Council meeting  
20 January 2011**

The delegation of the Republic of Kazakhstan has taken note of the previous statements. As it was before, my authorities will be duly informed about the statements made on behalf of the EU, USA and Canada. At our last PC meeting, we have already informed the delegations about the way in which the referendum in Kazakhstan was initiated.

Allow me to present to you some additional information on the latest developments with regards to this issue.

On 14 January, at a joint session, the Parliament, by a unanimous vote (while four fifths of the number of deputies of both houses being required to overcome the President's rejection) adopted the bill introducing amendments and additions to the Constitution of Kazakhstan, allowing for the question of the extension of the term of office of the President of Kazakhstan until 2020 to be resolved through a vote in a nation-wide referendum, and sent it to the President for signature.

According to the law, the President has up to one calendar month to decide whether or not to sign the bill.

On 17 January, the President sent the bill to the Constitutional Council, requesting the Council to review it and reach a conclusion as to whether or not it is consistent with the Constitution. The time allowed for the review by the Constitutional Council, which may last for up to one month, is excluded from the time period allowed to the President for his consideration of the bill.

The participating States will be duly informed concerning the further developments on this issue, including on the conclusion of the Constitutional Council.

I would also like to add a few words as a reaction to some statements, given that there is still no final decision on the Referendum.

We believe that application of the words by EU, I quote "... it would be in contradiction with Kazakhstan's commitment to democracy and good governance", are not fully relevant to this particular case. We agree with the EU opinion that "referenda can be a valuable instrument of democratic governance". We also agree that "they are no substitute for regular

elections that provide voters with a choice of candidates”. At the same time, raising the question of extending the term of office of the President of the Republic of Kazakhstan does not conflict with the terms of office established by the Constitution for holding presidential elections and, accordingly, does not undermine or suspend the rights of citizens to elect and be elected. If the people express their will in a nationwide referendum, the timeframe for the election of the next President of the country would only be postponed. The principle of competition and free and non-discriminatory participation of citizens in the next presidential election is not violated because the new timeframe for the election of the Head of State will be the same for all participants in the electoral process.

Let me reiterate, that the referendum is a form of direct expression of the will of citizens, and is an important example of direct democracy and is a way that people can make law themselves.

We also note the negative assessment by the director of the OSCE Office for Democratic Institutions and Human Rights, Ambassador Lenarčič, in his press release of 14 January that “the proposed extension of the current President’s term of office to 2020 would run counter to some of the most fundamental OSCE commitments and other international standards and obligations”.

I would admit that the referendum is now among the most important issues of public life in the Republic of Kazakhstan. But it is not connected to any of the Republic of Kazakhstan’s international obligations.

Moreover, with respect to international law, a referendum – as the right of the people and citizens to participate in the governance of the State – has been officially and unequivocally recognized.

Holding the referendum does not signify non-compliance of the Republic with the requirements in the electoral sphere of international agreements such as the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the OSCE Copenhagen Document (1990), the Convention on Standards of Democratic Elections, Electoral Rights and Freedoms of the Commonwealth of Independent States, or the Recommendations for CIS International Observers of the election observation (2002), among others.

I can bring to you plenty of examples proving that Kazakhstan does not run counter to its international obligations. But I call for the participating states to refrain from statements that undermine the right of citizens of Kazakhstan to participate in the governance of State.

*P.S. Please, note that in his oral comments Ambassador Abdrakhmanov made a reference to the article “End Human Rights Imperialism Now”, by Stephen Kinzer, published in “The Guardian”, 31 December 2010.*

<http://www.guardian.co.uk/commentisfree/cifamerica/2010/dec/31/human-rights-imperialism-james-hoge/print>