

PRESENTATION
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AT THE OSCE MEETING ON HUMAN DEVELOPMENT:

Session: Discussion on the activity related to human development

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Mr. Chairman,
Ladies and gentlemen!

Thank you very much for the possibility to present here the view of one of the main political parties in opposition in Kazakhstan – People’s party «Alga!» (DVK).

In our opinion issues related to the implementation of OSCE member-countries their commitments in the area of human dimension and specifically implementation of political rights and civil freedoms have certain historical background and unfortunately are becoming more and more acute with years.

When in 1975 a number of states: USA, European countries, the Soviet Union, signed the Final Helsinki Act it has become the first international document that openly recognized that protection of human rights and basic freedoms is the object of international attention.

Though in the space of more than ten years, since 1975 all the way to the end of 80-ies in everything concerning the so-called “third basket” of Helsinki Act in the area of human dimension there was to be found a certain hypocrisy element.

I think that in the countries with liberal democracy there were no illusions regarding the fact that the Soviet Union was going to implement its commitments on human rights and democracy development ...

All were playing a game with certain rules and implications. The key goal was cooperation in the area of economy, ensuring security via disarmament, and human rights were viewed as some instrument for the liberal West to criticize USSR given that such criticism had practically no real impact.

But after 1985 and especially after the USSR disintegration the world has considerably changed. The system of views for the OSCE region has changed as well. After the historical changes at the end of 80-ies European countries have adopted general conception of the Final Helsinki Act and based on it developed a comprehensive list of norms and standards, in which special attention has been given to human rights. These fundamental rights alongside with the principals of democracy and the rule of law are structural components of the concept, which OSCE defines as human security dimension.

In 1990 at the Conference on Human Dimension in Copenhagen SCEC member countries laid the foundation of what in future had to be the code of basic rules for the entire SCEC region, a certain *acquis* (legal code) with the aim to develop global democracies.

Finally, in 1991 at Moscow Conference on human dimension it was stated that *«country-members highlight the fact that issues related to human rights, basic freedoms, democracy and the rule of law are of international nature since the implementation of these rights and freedoms makes up one of the basics of international order. They categorically and finally state that the commitments they have adopted in the area of SCEC human dimension are the issues that are of direct and legal interest for all the state parties and are not considered as exclusively internal affairs of respective countries»*.

15 years have passed since the enforcement of human rights provisions and understanding that these issues are not internal affairs of OSCE member –countries and that situation with human rights especially in the region of the former Soviet Union is of serious concern.

OSCE standards regarding the implementation of basic political rights and civil freedoms are continuously subject to revision, both in the legislation and in practice.

Ideas are substituted, concepts are perverted, and principles are rejected. Rhetoric of adherents of authoritarian regimes in a number of countries of the former Soviet Union remind us more and more of the Soviet time rhetoric, which is based on lies, hypocrisy, confrontation, threats and blackmail, theory of plots and «beset fortress». This rhetoric is openly present in the speeches of the leadership of Byelorussia, Turkmenistan, and Uzbekistan and is covert in the formal statements of the representatives of Russia and out Kazakhstan.

More and more repressive legislation in the area of political rights and civil freedoms is adopted every year, the fight with political opponents, independently thinking citizen, media and non-governmental organizations becomes more and more sophisticated.

Aggressive policy on the part of the legatees of the Soviet ideology leads to the effect that in recent years OSCE itself as an organization is becoming weaker in comparison with the beginning of 90-ies.

Consensus-based decision making procedure in fact has blocked this organization development whatsoever in terms of the implementation of the commitments the states have made with regard to human dimension.

In recent years in OSCE there has even got formed a peculiar diplomatic language of statements, mission reports, monitoring groups and declarations.

This language on the one hand is based on the recognition of the fact that a number of OSCE member-countries are would be unprepared to develop in compliance with the implementation principles of human rights and freedoms, fixed in the principal OSCE documents, due to a very complex social and economic condition, “difficult” communist legacy, peculiarities of geographical and cultural nature.

That is why when referring to absolutely antidemocratic laws they would be characterized as not completely meeting international standards and that is why OSCE is not prepared to improve them. Though it would be right to say that these laws go contra to the commitments in the field of OSCE. They have not to be adopted and those that are adopted have to be abrogated. They are not to be improved either because they are repressive in their essence.

A very cautious concern is expressed with regard to political murders, closing political parties, media and NGOs and appeals are made calling to thorough investigation and fair judicial processes though it is quite clear to anybody that law enforcement bodies in these countries are under complete political control of the ruling elite and the courts depend on it as well. That is why no impartial investigation and jurisdiction are to be expected.

As far as the elections in a number of former USSR countries are concerned, which are in fact are procedure-formed mechanisms of appointing members of legislative bodies by way of complete media control, intimidation and a full-scale use of administrative resource, then until very recently OSCE has been diplomatically commenting that these elections are a step forward, pointing to some improvements, but are still not in full compliance with the international standards.

By the way in relation to Kazakhstan there were published at least five reports covering observations over elections, in which steps forward have been mentioned but elections still are not coming closer to international standards.

Maybe we are on the wrong track and moving in the wrong direction?

As a result as of now we have such states among OSCE member-countries, in which there are no whatever opposition parties or groups (Turkmenistan, Uzbekistan), no media freedoms, neither printed ones (Turkmenistan, Uzbekistan), nor TV (Turkmenistan, Uzbekistan, Belarus, Russia, Kazakhstan, Azerbaijan, Tajikistan), no legally existing independent human rights organizations (Turkmenistan, Uzbekistan), or even simply independent NGO (Turkmenistan). In a number of OSCE member-countries tortures are widely spread

There is no need in any special monitoring to adequately reflect the state of things.

And it is understandable that in this situation these countries do not need any control mechanisms, no monitoring groups, no centers or field missions.

This is the reason why we hear more and more often that OSCE has made a big focus on human rights while it has to give more attention to cooperation in the field of economy and security. And again mention should be made that the idea of complete sovereignty and non-interference into internal affairs including human rights issues is exploited more and more often.

Is OSCE as an organization able to meet these challenges?

Or it turn to be an organization dealing with cooperation only in the field of economy and security, in other words is it moving towards OSCE of 75-85 type?

Given that Kazakhstan is not within the space of the European Union or the Council of Europe, OSCE is, probably, the only organization able to exercise any influence in the Region of Central Asia in terms of democracy promotion, the rule of law and implementation of political rights and civil freedoms.

In case OSCE fails to find ways and mechanisms to make a real impact upon member-states of this organizations in terms of the implementation of their commitments regarding human rights and freedoms then it will very soon turn into the Eurasian UN version, whose effectiveness regarding promotion of international standards of human rights and freedoms is coming close to zero.

And responsibility for this will rest, in the first place, with democratic countries.

We'd like to hope that this will not happen, but cardinal steps and decisions have to be taken right now.

Thank you for your attention.