

Общественное Обьединение **Public Association “Echo”**

Elections of akims in cities with a district status, rural districts, settlements and villages of the Republic of Kazakhstan which are not part of a rural district 2013

Report on the assessment of the electoral process

The public association “Echo” is a non-commercial non-party organisation. It aims to increase the activity of citizens of Kazakhstan in the sphere of management of public affairs. Since 1999 the organisation has participated in monitoring of elections of all levels in Kazakhstan.

On 5-9 August 2013 Kazakhstan had the elections of akims in cities with a district status, rural districts, settlements and villages which are not part of a rural district (hereinafter – the elections of rural akims).

Monitoring of the elections of akims was carried out in five rayons of five oblasts of the Republic.

The analysis of the collected materials makes it possible to draw the following conclusions.

According to the concept of the Development of Local Self-Government in the Republic of Kazakhstan and the National Plan of Measures on Implementation of the Address of the Head of the State to the People of Kazakhstan dating 14 December 2012 “Strategy Kazakhstan - 2050: New Political Course of the Established State” approved by the Decree of the President of the Republic of Kazakhstan, the elections of akims were planned to take place before September 2013.

For this purpose, changes in a number of regulatory legal acts were adopted. The Rules on elections, termination of powers and dismissal of akims of cities with a district status, rural districts, settlements and villages which are not part of a rural district were developed. These Rules were approved by the Decree of the President of the Republic of Kazakhstan on 24 April 2013. According to the Constitution of the Republic of Kazakhstan, “akims of other (*with the exception of oblasts, cities with a national status and the capital*) administrative-territorial units are appointed or elected in accordance with the procedure defined by the President of the Republic of Kazakhstan.” Amendments to the Constitutional Law “On Elections in the Republic of Kazakhstan” were made.

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Earlier Kazakhstan saw experimental elections of akims of different levels. In particular, in 2005 elections of four rayon akims took place and in 2006 elections of 49 rayon akims and ten akims of cities of oblast significance were held. The previous elections of akims passed according to the specially developed rules. Despite the criticism of observers pertaining to the system of elections of akims, the new Rules practically do not differ from the Rules regulating experimental elections.

The rules are quite of a general nature, thus different elements described in these rules can be interpreted differently, whilst many procedures are not outlined in detail. According to paragraph 63 of the Rules, “the questions not settled by the present Rules shall be resolved in accordance with the Constitutional Law of the Republic of Kazakhstan of 28 September 1995 “On Elections in the Republic of Kazakhstan” and acts of the Central Election Commission of the Republic of Kazakhstan.”

Such norms as nomination of candidates by a higher level akim and elections of akims by the public electorate were not reconsidered. The Rules were adopted without an extensive discussion with the public.

The Central Elections Commission (CEC) released a manual for participants of the elections of akims, which contained the text of the Rules and excerpts from the Constitution of the Republic of Kazakhstan, the Law “On Administrative-Territorial Structure of the Republic of Kazakhstan”, the Law “On Local Government and Self-Government in the Republic of Kazakhstan”, the Law “On Public Service” and some other regulatory-legal acts. The manual also provided information on the concept and principles of self-government and requirements to be met by civil service candidates.

The manual did not pay attention to transparency and processes of consultations with the population and voting and counting of votes.

Villages, settlements, rural districts and cities of rayon significance are the administrative units that are part of rayons or cities. In the elections of rural akims Maslikhat deputies of a corresponding rayon (city) elected akims of villages, settlements, rural districts and cities of rayon significance. The organisation and preparation for the elections was carried out by corresponding rayon (city) election commissions.

The elections of rural akims were scheduled to take place on 5-8 August. The decision of a corresponding rayon election commission was the official document for scheduling a specific date of the elections in every rayon. The elections of rural akims of all the rayons of each separate oblast were held on the same day.

2,457 akims were elected in total. Deputies of 188 rayon and city Maslikhats participated in the elections as electors.

Nomination and Registration of Candidates

According to the Rules, nomination of candidates begins thirty days prior the Election Day and ends twenty five days prior to the Election Day.

The right to nominate candidates for the posts of rural akims belongs to a higher level akim – an akim of a corresponding rayon or city. Self-nomination or nomination by political parties or associations is not stipulated. Thus, all candidates for posts of akims of all the administrative units of one rayon/city are put forward by only one person – the akim of this rayon/city.

A rayon akim nominating competent candidates who are equitable to the interests of the population should be aware of the situation in that specific rayon. Nevertheless, observers noticed that practically in all areas rayon akims were replaced on the eve of the day when the elections

were announced. For instance, on 2 July the akim of Almaty oblast replaced 6 rayon akims, a minimum three of whom held post of akims of other rayons. Observers doubted whether new akims were able to understand who the potential candidates would be given such a short time.

The main feature of the elections was the nomination of candidates by rayon akims after consultations with the population. Unfortunately, the Rules do not specify how such consultations should take place and how consultations should inform the decision of an akim regarding nominees. Therefore, the procedures of consultations differed in various areas. In some cases an akim indeed consulted with the people to find out the attitude of the population toward different candidates. In other cases the consultations were held in a form of a presentation of candidates to the population.

Although schedules of such meetings were published in the local press, very few people among the villagers, who did not work in organisations funded through the public budgets, knew about these consultations. Besides, the consultations took place mostly during working hours. The majority of consultations were appointed from 09.00 to 16.00 which deprived many villagers of a possibility to attend them.

The analysis of schedules of consultations with the population demonstrated that quite often an interval between the consultations in various villages was less than one hour, for example, in Zerendy rayon of Kokshetau oblast and Makhambet rayon of Atyrau oblast. Given the additional time, required for travelling between the villages, such tight schedules called the high-grade quality of consultations into question.

The population poll showed that many villagers either did not know about the ongoing consultations or could not attend them.

Thus, a number of factors including candidate nomination deadlines, absence of high-grade consultations in many cases and appointments of new rayon akims resulted in that opinions of the local population were not taken into account in the nomination of candidates. Their candidatures were conditioned by the preference of one person, i.e. a rayon akim.

The requirements that candidates should meet are listed in the Constitution of the Republic of Kazakhstan, "Rules on the elections" and the Law of the Republic of Kazakhstan "On Public Service." In particular, a candidate should be a citizen of the Republic of Kazakhstan older than 25 years old, hold a higher education degree and live in a corresponding oblast. The candidate should be eligible for active suffrage according to Article 33 of the Constitution, in particular, be legally capable and not serving imprisonment according to a court sentence.

A serious restriction for candidates' nomination is the qualifying requirements stipulated by the law of the Republic of Kazakhstan "On Public Service" that a potential akim should meet. In particular, a candidate should meet the following requirements:

- 1) Have a minimum of three years of public service experience;
- 2) Have a minimum of one year of public service experience and complete a higher and postgraduate education programme in educational organisations under the President of the Republic of Kazakhstan in line with the state educational procurement order or complete a degree in a foreign higher educational institution as per the list of priority specialties approved by the National Commission on professional training abroad;
- 3) Hold an academic degree;
- 4) Have a minimum one year of experience in decision making or other posts in state structures;
- 5) Have a minimum of four years of experience in a field corresponding to functional responsibilities of a specific job with a specific grade, including at least one year in decision making posts.

7,173 candidates were nominated in total. Upon termination of the registration process 7,018 people were registered as candidates. By the Election Day 6,738 candidates were registered or 93.9 per cent of the initial number of candidates. Initially, election commissions did not register 55 candidates due to failure to meet the job requirements. 36 more candidates were refused registration because of discrepancies in the data related to tax declarations. However, personal refusal of proposed candidates was a principal cause for non-participation in the elections.

The greatest number of refusals to participate in the elections for personal reasons (239 of 278) was observed in three oblasts: Mangistau, South Kazakhstan and Zhambyl. Therefore, the competition in these oblasts decreased from the initial potential competition between three candidates to the competition between 2-2.2 candidates. The data of the observers in Zhambyl oblast demonstrated that every third nominee in every separate constituency withdrew his candidature. There were no cases when two nominees would withdraw in one specific constituency.

It is necessary to notice that in the elections of akims the total percentage of refusals or registration cancellation for various reasons (including incompliance with the requirements, for example, the insufficient age or absence of education) accounted only for two per cent, whilst, for example, during the elections of Maslikhat deputies a large number of candidates (about 30 per cent) were refused registration due to errors in declarations of property and income. Thus, it may be assumed that candidates nominated by an akim either had undergone special training in filling declarations, or the check of declarations did not have a purpose to eliminate undesirable candidates.

Pre-Election Campaign

According to the Elections law, a pre-election campaign is an activity with an objective to persuade voters to vote in favour or against a specific candidate. According to paragraph 24 of the present Rules on elections, a pre-election campaign begins from the date of the termination of the registration process and ends at midnight (local time) on the day prior to the Election Day.

A pre-election campaign is carried out through mass media, distribution of printed, audiovisual and other materials, public pre-election actions, and personal meetings of candidates and their authorised representatives with voters.

Observers note that a visible campaign was not carried out, except for the publication of programmes of candidates in the local press. Probably this is due to a limited number of voters. There were some meetings of candidates with the entire staff of a rayon / city Maslikhat. In certain cases, a rayon akim presented candidates to Maslikhat deputies. On the one hand, it is possible to consider such meetings as meetings to raise awareness of electors. On the other hand, direct participation of an akim can affect their decisions over their choice of a candidate. Observers were not allowed to participate in such activities in a few places, in particular, in Zerendy rayon of Kokshetau oblast.

The time allocated for the campaign was on average 12-14 days. Deputies of particular rayon Maslikhat elect akims of all rural districts which are a part of their rayon. Hence, each deputy should familiarise with the information about each candidate. The number of candidates in some rayons reached up to 66 people. The work of a Maslikhat deputy, except for secretaries, is unpaid and they are occupied in their primary place of work, therefore, it is impossible for them to familiarise with each candidate and preferences of the population substantially. A poll of the deputies and population showed that the deputies had not visited all districts to find out preferences of the population.

Thus, there are doubts that deputies could make an informed choice based on the interests of the local population.

Electorate

As stated earlier, rural akims are elected by electors, i. e. rayon Maslikhat deputies, most of whom were elected through direct elections in January 2012. It is necessary to point that the elections of 2012 were notable for mass refusals and cancellations of registration of candidates. The overwhelming majority of Maslikhat deputies are members of “Nur Otan” party. Many of them work in organisations funded through the public budgets. It is difficult to speak about representation of different groups of the population considering almost one-party Maslikhat structures.

Informing participants of the election process

The basic public awareness during these elections was carried out through mass media. The local press published messages of rayon election commissions, schedules of consultations of akims with the population, planned schedules of elections and lists of registered candidates.

The population showed little interest in the elections, in a greater degree for the reason that akims were elected indirectly.

The CEC published on its website a summary of information related to rayons across Kazakhstan, for example, a total of the registered candidates and summaries of information related to the elected candidates. The CEC does not publish detailed information in a disaggregated form. It is necessary to consider that election commissions of other levels do not have their own websites. All these factors together complicated access to full information.

Election commissions

14 oblast, 28 city and 160 rayon territorial election commissions in total with 1,414 staff were involved in the administration of the elections of akims. Maslikhats elected members of these commissions in 2009. Since then, a considerable number of members of these commissions left their jobs for various reasons. Instead of them, new commission members would be appointed by a higher level election commissions in accordance with the law “On Elections in the Republic of Kazakhstan.”

According to the Elections law, electoral commissions, except the CEC, are elected by the respective Maslikhats based on proposals by political parties. Each political party has the right to nominate a candidate to a corresponding election commission. At the same time, political parties are entitled to nominate individuals who are not members of their political party. If proposals from political parties are unavailable, Maslikhats elect election commission members based on suggestions from other public associations and higher level election commissions.

If a commission member leaves for any reason, a higher election commission independently appoints a new member of this subordinate commission to serve until the next election of members of this election commission by the Maslikhat.

Unfortunately, proposals of political parties are not considered for the appointment of members of a commission by a higher level commission.

While visiting election commissions, observers were interested in party affiliation and party representation of commissions’ members. As in the past, party representation in commissions remains formal. Members of commissions continue to show misunderstanding of party representation in their commissions and consider it as a formality. More often, some members in one commission can be members of “Nur Otan” party but represent other parties.

The problems connected with the election commissions remain the same. This concerns training of members of election commissions, rigid hierarchical mutual relations and fictitious party representation¹.

Organisation and carrying out of voting

According to the Rules, elections of akims are carried out at a meeting of electors, i.e. Maslikhat deputies of the corresponding rayon (city).

The observers were admitted to observe voting and counting of votes. The observers were confused by a closed meeting of the Maslikhat of Karatau rayon of Zhambyl oblast prior to the voting. As the observers were informed, the meeting was called to explain voting procedures to one deputy. There was no explanation provided as to why the observers and mass media were not allowed.

Voting in all of the observed polling stations passed without problems and infringements. Each deputy received ballot papers according to the number of rural districts, cities of rayon significance, settlements and villages which are not a part of rural districts. Depending on a rayon, this would be between one and 22 ballot papers.

The counting of votes also passed without infringements. Only in Karatau rayon the election commission failed to fill the reports completely and refused to give a copy of the reports to the observers immediately. According to a member of the commission, the copies were not provided promptly as the commission “could not count the percentages.”

Despite the fact that 6,738 candidates were registered, monitoring of the elections process was carried out by only 1,004 authorised representatives. This means that only 15 per cent of candidates took care to arrange observers. It may indicate either a low interest of candidates in the results of voting or their belief that the results were predetermined.

The analysis of the received reports has shown that the majority of akims won with a significant difference in votes. Based on this, it follows that candidates were not equal. Besides this, the greatest concern relates to the results of the elections in areas with a considerable number of districts. Thus, in Zerendy rayon of Kokshetau oblast and Glubokoye rayon of East Kazakhstan oblast the elections of 22 and 17 akims, respectively, were carried out. Three candidates applied for each seat. However, in each case a victory was reached with 100 per cent of votes cast in favour of one candidate. This demonstrates the absence of actual competition and confirms the assumption that deputies could hardly make an informed choice based on the interests of the local population.

Before the introduction of elections of akims, an akim of a corresponding rayon with the consent of rayon Maslikhat deputies appointed akims of cities of rayon significance, rural districts, settlements and villages which are not a part of a rural district.

These elections have shown that a rayon akim now puts forward two or three candidates, from whom one is an unconditional candidate. An akim presents these candidates to both the population and electors, i.e. Maslikhat deputies, thus actually replacing the pre-election campaign. In most cases, all deputies make a choice in favour of one candidate, as they have no time to study carefully information about candidates and interests of the population.

Therefore, the elections of akims of such kind are characterised by absence of a real competition and practically do not differ from the process of appointment.

¹ See the Report of NGO “Echo” on the assessment of elections of deputies of Majilis of the Parliament and Maslikhats of the Republic of Kazakhstan of 2012