



**ELECTION OBSERVATION DELEGATION TO
THE PARLIAMENTARY ELECTIONS
IN KYRGYZSTAN
(10 October 2010)**

**Report by
Katarína Nevedalová, Chair of the Delegation**

Annexes:
A- List of participants and programme
B- International Election Observation Mission Preliminary findings and conclusions

Introduction

On 9 September 2010, the Conference of Presidents of the European Parliament authorised the sending of an Election Observation Delegation to observe the parliamentary elections in the Kyrgyz Republic, scheduled for 10 October 2010 and aimed at renewing the composition of the Parliament (Jogorku Kenesh). These elections follow the adoption of the new Constitution through the 27 June 2010 referendum, and mark the country's transition to a semi-parliamentary form of government.

The European Parliament Election Observation Delegation was composed of six Members: Ms Mariya NEDELICHEVA (EPP, Bulgaria), Mr Pawel ZALEWSKI (EPP, Poland), Mr Joachim ZELLER (EPP, Germany), Mr Juan LOPEZ AGUILAR (S&D, Spain), Ms Katerina NEVEDALOVA (S&D, Slovakia) and Ms Nicole KIIL-NIELSEN (Greens/EFA, France). Ms Katerina NEVEDALOVA was appointed Chair of the Delegation at its constitutive meeting.

The Delegation conducted its activities in Kyrgyzstan between 8 and 11 October 2010 and, as usual, was integrated in the International Election Observation Mission (IEOM). It followed OSCE/ODIHR's methodology in the evaluation procedure and assessed the election for its compliance with OSCE commitments and other international standards for democratic elections, as well as with the legislation of the Kyrgyz Republic.

The European Parliament Delegation also conducted its election observation mission in accordance with the Declaration of Principles of International Election Observation and Code of Conduct adopted at the United Nations in 2005 and endorsed by the European Parliament in 2007. Members of the EP Delegation signed the Code of Conduct for Members of the European Parliament Election Observation Delegations, in accordance with the decision of the Conference of Presidents of 10 December 2009.

On the Programme

Ambassador Chantal Hebberecht, Head of the EU Delegation in the Kyrgyz Republic, organised for the Delegation of the European Parliament a briefing in concert with Member States Heads of Mission and the team of Mr Morel, the EU Special Representative for Central Asia. EP Delegation also met the Minister of Foreign Affairs and had the opportunity to discuss with President Otunbayeva the social, economic and political situation of the country, raising the need for a fair trial to Azimjon Askarov, an ethnic Uzbek human rights defender arrested in connection with the June violence in southern Kyrgyzstan. The excellent cooperation with the EU Head of Mission should be particularly underlined. The European Parliament Delegation received useful information and support during its entire stay in the country from both the EU Ambassador and the staff.

In the framework of the International Election Observation Mission, the Delegation cooperated closely with the OSCE/PA Delegation, headed by Mr Morten Høglund, and the OSCE/ODIHR Election Observation Mission, headed by Ms Corien Jonker. Working relations in the framework of the International Election Observation Mission were excellent. On the eve of the elections, the EP Delegation participated to joint meetings with OSCE PA and had the opportunity to meet with some candidates, with representatives of the Central Election Commission of Kyrgyzstan, with representatives of mass media and of NGOs, and with Ambassador Andrew Tesoriere, Head of the OSCE Centre to Kyrgyzstan.

On Election Day, the Delegation split in three groups, and observed election operations in various polling stations, starting from the opening to the closure of activities and the counting of votes. The polling stations observed were in Bishkek, Tokmok and Kemin/Balykchy.

On 11 October 2010, a joint Press Conference was held by the Heads of the EP, OSCE/PA Delegations and OSCE/ODIHR. A Statement of Preliminary Findings and Conclusions was released and is attached to this report.

On the EU - Kyrgyzstan Relations

In 1995, the EU and Kyrgyzstan concluded a Partnership and Cooperation Agreement (PCA), which came into force in 1999. Under terms of article 2, respect for democracy and human rights constitutes an essential element of partnership and of the Agreement. The EU has strengthened its relationship with the Central Asian countries since the adoption of "The EU and Central Asia: Strategy for a New Partnership" by the European Council in June 2007¹. The Strategy defines human rights, rule of law, good governance and democracy as EU priorities for its cooperation with the region as a whole. Likewise, in 2008, the European Parliament adopted a resolution on an EU Strategy for Central Asia in which it called "*on the Council and the Commission to maintain a consistent and united front on human rights issues and, with a view to making democracy, good governance, the rule of law and human rights an integral part of the Central Asia strategy, to set clear benchmarks, indicators and targets in these areas, in consultation with the Central Asian partner countries*"². In this regard, the EP election observation missions are an important tool in assessing progress made by Central Asian States in the sphere of democracy.

On the Political Context

Since their accession to independence almost twenty years ago, none of the five Post-Soviet Central Asian States has ever held a truly free and fair election. In the last 20 years, in spite of five electoral processes, coups have been repeatedly, the default channels for regime change in Kyrgyzstan.

In early April 2010, a violent popular uprising broke out in Bishkek, leading to the ousting of President Kurmanbek Bakiyev. The new provisional government, headed by Roza Otunbayeva, committed itself to quickly initiate a transition to democracy. A new Constitution was drafted in collaboration with the Venice Commission in order to organize the move from a presidential system to a semi-parliamentary form of government. This move was seen as a mean to avoid the recurrence of autocratic abuses witnessed under the presidencies of Askar Akayev and Kurmanbek Bakiyev.

Approximately two weeks prior to the holding of a referendum for the adoption of the draft constitution, scheduled on the 27 June 2010, violent clashes between ethnic Uzbeks and ethnic Kyrgyz occurred in the southern part of the country. As a result, hundreds of ethnic Uzbeks were killed in pogroms and some 400 000 fled the cities of Osh and Jalal-Abad and some other locations. Most of those who fled quickly did return but a great number of them do, however, remain displaced. It is not yet very clear whether those incidents were solely driven by ethnic considerations or the result of a premeditated manipulation of ethnic divisions aimed at destabilizing the provisional government. The EU strongly supports the criminal investigations related to those events.

Despite this significant deterioration of the security situation in southern Kyrgyzstan, the constitutional referendum took place as scheduled and 90.84% of voters, with a turnout of around

¹ See also: The European Union and Central Asia: The New Partnership in Action, June 2009.

² European Parliament resolution of 20 February 2008 on an EU Strategy for Central Asia, (2007/2102(INI)), para.21.

70%, approved the new constitution. This result was crucial for legitimising the new provisional government.

The peaceful holding of real elections on 10 October and the relatively high turnout constitute a hopeful development for Kyrgyz political life. Next Presidential elections are scheduled to take place in late 2011.

On the Political Parties

In Kyrgyzstan, partisanship still heavily relies on clannish affiliation and personal acquaintances rather than political programs. Consequently, debates on political issues are sometimes eclipsed by considerations related to the personality of politicians. In a general way, political parties in Kyrgyzstan need to be further developed and institutionalized in order to bring more stability to the national political landscape.

Some interlocutors defined the financing of the political parties as a dark zone. ODIHR's Preliminary Statement mentions that "Although parties reported campaign expenses to the CEC in line with their obligations, these reports were not made publicly available before election day, thus reducing transparency. Furthermore, the CEC lacked the resources to effectively verify the accuracy of these reports".

A positive development has been the signing, by the Representatives of 26 Kyrgyz political parties, of an OSCE-supported Code of Conduct which outlines principles guiding the parties' behavior during the electoral campaign.

On the Voter Lists

As in previous elections, the accuracy of the voter register was among the main issues, especially after the June events. Thousands of persons were de facto disenfranchised after having fled to Uzbekistan or being internally displaced. Furthermore, even if 76,557 voters were registered to vote abroad, Kirgiz emigrants could amount to several hundred thousand and they were not able to vote because of a lack of proper registration abroad. Russian immigration authorities provided a list with more than 300.000 names of Kyrgyz citizens living in Russia, but it was impossible to register them in the deadlines for this election.

In addition, the accuracy of the voter register has an impact on the capacity to access parliamentary representation for certain political parties due to the application of a national and a regional thresholds, both calculated on the basis of registered voters nationwide. The first is a five per cent national threshold, and the second requires parties to surpass a 0.5 per cent threshold in each of the country's seven regions and in the cities of Bishkek and Osh. Already in 2007, on the occasion of the pre-term parliamentary elections, the OSCE/ODIHR recommended all thresholds for the allocation of parliamentary mandates to be calculated against the total number of valid votes cast, rather than against totals of registered voters. The regional threshold pursue the goal of limiting the emergence of political parties on a purely regional basis, which could be a vector of tensions, but the OSCE/ODIHR underlined that the continued use of this threshold was not advised as it had the potential of seriously skewing representation in the parliament and compromised the objective of a proportional representation system.

On the Election Procedures

The five electoral processes held in Kyrgyzstan since 1991 have all been governed by a different legislation, reflecting the lack of stability of the legal framework. The legal framework for elections is not yet consistent with the new Constitution.

The new Constitution introduced a semi-parliamentary system of government and increased the number of parliamentary seats from 90 to 120. Members of parliament are elected for a five-year term through a proportional party list system within a single nation-wide constituency. As mentioned earlier, parties must surpass a national and a regional threshold for seat allocation. In order to avoid the dominance of one political party in the new Parliament, the Constitution limits the number of seats a single party can win to 65.

3,351 candidates run on 29 political party lists. All party lists comply with the gender and national minority requirements, with 33.5 per cent women and 23 per cent national minority candidates. However, in case of candidate withdrawals, the gender and national minority quota may not be respected. National minorities and women are represented in election commissions at all levels.

The Delegation was impressed by the peaceful and productive atmosphere prevailing on Election Day and the considerable effort and restraint exerted by all political forces, together with the great interest taken by the population in the electoral context and the lively political debate this has engendered, as well as the important role taken by some "civil society" organizations. The presence of the representatives of many political parties in polling stations was an important element of transparency. Overall, observers from the IEOM assessed the voting process positively, but gave a significantly less positive assessment of the counting of votes. Gender balance of polling station staff was very uneven as men were a small minority.

Results

Political Party	% of Votes on registered voters	number of votes	Mandates obtained
Ata-Zhurt	8.89%	267 175	28 seats
SDPK	8.04%	241 466	26 seats
Ar-Namys	7.74%	232 687	25 seats
Respublika	7.24%	217 849	23 seats
Ata-Meken	5.60%	168 231	18 seats

Five political parties passed both thresholds at the election and thus obtained parliamentary seats. These five political parties are now forced to negotiate the creation of a coalition that needs at least 61 seats. Negotiations over a coalition government could be very complex because of the personal rivalries and factional differences between the parties and their leaders.

Conclusions

Kyrgyzstan, as the delegation had the opportunity to discuss with the President Otunbayeva, is in transition: it looks towards Europe with great hope and great expectations. The European Parliament Election Observation Delegation sincerely hopes that these elections have been an important step in this transition and will lead to further joint programmes and cooperation.

The President of the Delegation in her speech at the Press conference of the International Election Observation Mission, after Election Day, called the international community to maintain the present effort of international solidarity towards Kyrgyzstan; she recalled that the European Union is already strongly engaged in this effort of solidarity with Kyrgyzstan, via its Central Asia strategy and its Partnership and Cooperation Agreement. In the context of this agreement, the Chair mentioned that the European Parliament is looking forward to deepening its relationship with the future Parliament of Kyrgyzstan, via the Committee for Inter parliamentary Cooperation and its regular dialogue.

The OSCE/ODIHR long term mission will remain in the country until the end of the election process and will issue a comprehensive final report, including recommendations for improvements, some eight weeks after the completion of the election process.

The European Parliament Election Observation Delegation recommends that the Election Coordination Group, the Foreign Affairs Committee and the Delegation to the EU-Kyrgyzstan Parliamentary Cooperation Committee follow-up closely the conclusions and recommendations of this final report.