



**OSCE HUMAN DIMENSION SEMINAR
ON ELECTION PROCESSES
Warsaw, May 29-31, 2001**

**NATIONAL DEMOCRATIC INSTITUTE (NDI)
OPENING PLENARY REMARKS¹**

Thank you Mr. Chairman.

On behalf of the National Democratic Institute for International Affairs (NDI), I would like to congratulate the OSCE Office for Democratic Institutions and Human Rights for organizing this Human Dimension Seminar on the critical topic of election processes. The Helsinki Process recognized from its inception that there are inextricable links between developing democratic institutions, promoting the free exercise of fundamental human rights, realizing the rule of law and organizing genuine democratic elections. It also recognized that establishing these elements of the human dimension are inextricably linked to achieving security and peaceful relations.

This comprehensive concept of security is a hallmark of the OSCE. It was reaffirmed in the Charter for European Security adopted at the OSCE's last summit, held in Istanbul. Paragraph 3 of that charter states: "Security and peace must be enhanced through an approach which combines two basic elements, we must build confidence among people within States and strengthen co-operation between States."

Mr. Chairman: There is no more important factor for building confidence among people within States than organizing genuine democratic elections. Genuine elections are a necessary condition for establishing democracy, and genuine elections cannot be achieved in the absence of the exercise of fundamental human rights – nor are they achievable in the absence of the rule of law. The nature of an election process therefore cannot be evaluated separately from examining the functioning of a broad range of institutions and processes in a country, just as elections are inseparable from a country's larger political process. At the same time, genuine elections are an insufficient condition for establishing democracy. Indeed, the right to genuine elections is part of a broader right of citizens to participate in governmental affairs. Moreover, genuine elections set the stage for developing democratic governance.

The last decade of the twentieth century produced great achievements in the OSCE area. Cooperation replaced confrontation as a central dynamic, as identifiable blocs dissipated at the end of the Cold War. Of course, the danger of conflict between states and within states remains. Respect for fundamental human rights has reached a high level in many of the OSCE's 55 countries. Full realization of human rights, particularly for national minorities, ethnic minorities and women, nonetheless remains an unachieved goal for which we all must strive. Democratic transitions led to the establishment of pluralist systems in all but a few OSCE countries. There are a few OSCE participating States, however, where the democratic process has not advanced and others where the

¹ This paper was prepared by Patrick Merloe, NDI Senior Associate and Director of Programs on Election and Political Processes. A summary of the paper was presented at the Human Dimension Seminar by Robert Benjamin, NDI Acting Director for Programs in Central and Eastern Europe.

process has stalled or even reversed to varying degrees. At the same time, democratic progress has been dramatic in a significant number of OSCE countries, including particularly most countries in Central Europe, the Balkans and in the Baltics.

Mr. Chairman: NDI congratulates the Office of Democratic Institutions and Human Rights for its important contributions to the promotion of democracy and fundamental human rights in the OSCE area. ODIHR has advanced the cause of the OSCE through its election observation missions, electoral needs assessment missions, recommendations to participating States for improving election processes, assistance in developing legal frameworks for elections that comply with international standards, as well as using its good offices to help divergent political interests open dialogue about acceptable ground rules for political competition. The non-electoral work of ODIHR has contributed to more open and inclusive political processes that incorporate women and national minorities, promote the exercise of fundamental rights and advance the rule of law, which aim to improve conditions that make genuine elections more realizable.

The adoption of the 1990 Copenhagen Document by the CSCE was a landmark that highlighted the importance of commitments and obligations of OSCE participating States to developing genuine democratic elections. Establishing the Office for Free Elections and expanding its purview to the Office of Democratic Institutions and Human Rights, along with expanding the role and mandate of ODIHR, provides direct evidence of the priority that the OSCE assigns to the achievement of democratic election processes in OSCE countries.

NDI has worked in more than 90 countries around the globe to strengthen and expand democracy, including 24 OSCE countries that embarked on a democratic path in the last 12 years. NDI has conducted election-related programs in each of these OSCE countries, addressing pressing issues such as: creating an open and inclusive political process; establishing legal frameworks for democratic elections; strengthening the role of political parties in election processes and in governmental affairs; building the capacity of domestic civic organizations to monitor all aspects of election processes, to conduct civic and voter education and to increase citizen participation in election processes; and acting as international election observers in the pre-election, election day and post-election periods.

In addition, the Institute is conducting programs in OSCE countries to strengthen parliaments as vital democratic institutions and helping parliamentarians to increase their capacity to build open and active relations with constituents. NDI is working with civil society organizations to increase citizen participation in governmental affairs, thus raising public confidence in government, which often involves helping domestic NGOs apply skills they developed as election monitors. The Institute also is working at the level of local governance and is addressing anti-corruption issues, as well as the promotion of fundamental human rights, including the rights of women and minorities – particularly as they relate to participation in governmental, election and political processes.

NDI has had the pleasure of working closely with ODIHR in many countries throughout the OSCE area. Our two institutions have developed a close working relationship, particularly on election-related programs. We look forward to continued cooperation and coordination with ODIHR and to increasing that cooperation to include our partners in the countries themselves.

There are many important lessons to be learned from efforts to advance democratic processes in the OSCE area in the last decade. Many significant challenges face further democratic

development in many OSCE countries. This Human Dimension Seminar provides an important opportunity to examine those challenges.

Mr. Chairman: The lessons of the last decade make it clear that there is a pressing need to further clarify and strengthen OSCE commitments and obligations to genuine elections. It is our hope, one shared by many participants in this Seminar, that the next OSCE Summit will take up this issue. The provisions of the Copenhagen Document and subsequent documents have provided crucial guidance for those working to achieve democratic elections; yet, experience demonstrates that certain states suffer from difficulties in understanding the nature of these obligations, and others cynically spurn the requirements for democratic elections, while making hollow gestures toward compliance.

We all were impressed by democratic advances in Serbia in the past year and by the democratic nature of Croatia's elections. There are other positive examples to cite. At the same time, problems appeared in Macedonia's election process this year. Democratic activists in Belarus face enormous obstacles posed by the government. The situation in Ukraine, to a lesser extent, continues to be problematic and presents a possibility for greater problems. The Caucuses present a mixed experience. Armenia and Azerbaijan have troubled electoral histories. Georgia is not without serious difficulties, although there is perhaps a greater political will among leaders to mount needed reforms. Kyrgyzstan, which showed signs of promise, has slid backward significantly in the democratic process. Kazakhstan continues to be problematic, and other countries in Central Asia have yet to make significant strides.

It is important to note that paragraph 24 of the Copenhagen Document reminds OSCE participating States of their commitments under the Universal Declaration of Human Rights and obligations under the International Covenant on Civil and Political Rights. Article 25 of the Covenant states, in part, that: "Every citizen shall have the right and the opportunity, without any [unwarranted discrimination] mentioned in article 2 [of the Covenant] and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors...." Indeed, Article 21 of the Universal Declaration of Human Rights notes that: "The will of the people shall be the basis of authority of government...."

The Copenhagen Document embraces these rights, and subsequent OSCE documents reinforce them, but clarification and strengthening is needed in at least five areas:

- 1) Genuine democratic elections require an open and inclusive political process that brings political actors, who choose to compete peacefully, to basic agreement on the rules for competition, through legal frameworks that meet minimum international standards, that respect the right of citizens to seek political office without discrimination, that provide legal recognition for political parties and access to the ballot for parties and candidates without unreasonable restrictions and that allow political parties and candidates to compete on a basis of equal treatment before the law, in a free atmosphere and upon conditions that provide a fair chance of winning the support of voters. Addressing these points would entail clarifying Copenhagen Document paragraph 7, in light of practices noted in ODIHR's 1998 background paper entitled "Restrictions on Political Parties in the Election Process" and in light of additional international experience.

- 2) Genuine democratic elections must be based on universal and equal suffrage that allows voters to learn about political contestants sufficiently to make an informed vote, in an atmosphere free of coercion. Clarification and strengthening in this respect is needed, for example: concerning delimitation of election districts that ensure equal suffrage, free from discrimination; development of voter registries that ensure universal and equal suffrage without unnecessary restrictions, while preventing illegal voting; and development of guidelines and requirements for media conduct in the election context that provide adequate accurate information to voters about the political contestants. This would entail clarifying and strengthening Copenhagen Document paragraph 7, in light of OSCE experience and experience elsewhere in the world.
- 3) Genuine democratic elections require impartial, effective and transparent election administration that operates with the confidence of the political contestants and the public. Election authorities therefore must allow monitoring of all aspects of election processes by political contestants, domestic NGO election monitors and news media, as well as by appropriate international organizations. Such monitoring must be free from obstacles or restrictions that are inconsistent with international obligations concerning protection and promotion of human rights – and authorities must ensure that appropriate restrictions in the law are applied in a way that guarantees the effective exercise of human rights.

Election monitoring by domestic NGOs is an exercise of the right of citizens to participate in governmental affairs. It is also an example of citizens associating to contribute actively to the promotion and protection of human rights. Such election monitoring is related directly to the freedom to seek, receive and impart information and ideas and other fundamental human rights, and it is a critical element for building confidence among the people in election processes and in government. Addressing these points would require clarifying and strengthening paragraph 8 of the Copenhagen Document, in light of paragraphs 6, 7, 9, 10, 24 and 26 and international experience.

- 4) Impartial, effective and transparent election administration that operates with the confidence of the political contestants and the public also requires a process for selecting election officials that is acceptable to the contestants and developing an election process that can provide effective remedies for violation of election-related rights. Otherwise, good faith political contestants may choose not to participate in the election process or may turn to actions outside the law to redress abuses, thus destabilizing the political environment. At the same time, prospective political contestants have a responsibility to engage constructively in the election process, including in dialogue concerning selection of election officials and making use of electoral complaint mechanisms. Addressing these issues would require clarifying and strengthening paragraphs 5, 6, 7 and 11 of the Copenhagen Document.
- 5) Clarification and strengthening of is also need concerning the consequences for the failure of an OSCE participating State to organize democratic elections. A few OSCE countries have yet to undertake a democratic election. Others have attempted but failed to meet international standards for such elections. This is true even though the participating States reaffirmed their obligation to conduct democratic elections in paragraph 25 of the 1999 Istanbul Charter for European Security. In paragraph 25, participating States also agreed to follow up promptly on ODIHR assessments and recommendations for meeting international standards for democratic elections. Yet, some OSCE countries fail election after election to do so. OSCE should require follow-up and reform when international electoral standards

are not met. ODIHR follow-up reports to the Permanent Council based on paragraph 25 would be in order. Perhaps the use of human dimension mechanism elaborated in the OSCE's 1991 Moscow Document should be considered when elections fail to meet international standards or states fail to make needed reforms. The Permanent Council could consider appropriate action based on ODIHR follow-up reports and/or reports that result from the "Moscow Mechanism." It is worth noting that the Organization of American States is considering ways to strengthen its mechanism to address sudden or irregular interruptions of a member state's democratic political process, which is based on its 1991 Santiago Commitment to Democracy and OAS Resolution 1080. The OSCE could consult with the OAS about its experience in this regard. The OSCE could also invite the international financial institutions to address their discussions about including democratic governance and genuine elections in their funding criteria. This could aid in determining the best way to clarify and strengthen OSCE commitments and obligations to organize genuine democratic elections.

Mr. Chairman: NDI looks forward to the discussion of these and additional matters in the five Working Groups of this Human Dimension Seminar. We would like to stress that among the most positive developments in the last 10 years of OSCE election experience is the development of nonpartisan election monitoring by domestic NGOs. NDI has assisted domestic election monitoring by NGOs in 18 OSCE countries. Tens of thousands of citizens have participated in governmental affairs through these activities and learned skills that strengthen civil society and help citizens to take part in public life. Outstanding contributions have been made by these monitoring groups in building public confidence and in achieving democratic elections in their countries. NDI has learned much from these groups and is happy that many of them are participating in this Human Dimension Seminar.

NDI has in many ways favored capacity building for political parties, domestic election monitoring NGOs and electoral authorities over the Institute's engaging in comprehensive international observation of elections in recent years in the OSCE area. This is in large part due to our confidence in the activities of ODIHR in promoting genuine elections. This approach, however, is also due largely to the brave and professional efforts of domestic NGOs in election monitoring and to the increasing capacity of political parties to monitor election processes and to make effective use of complaint mechanisms where they can deliver appropriate remedies. Unfortunately, there are still too many OSCE countries that have not developed an open and inclusive political process capable of providing effective remedies. Too many of these countries have proved reluctant to implement recommendations for improving their election processes. Many of these same countries continue to inhibit the development of strong political parties and impartial and effective election bodies that operate transparently. They also place obstacles before election monitoring by NGOs. These failings are too often due to the lack of political will of those in power, rather than to a lack of knowledge or experience.

NDI believes that this Human Dimension Seminar will provide an invaluable opportunity to evaluate lessons learned over the last decade in the OSCE and to identify challenges ahead. The discussions of the Seminar and its conclusions will undoubtedly strengthen the OSCE's approach to election processes. We look forward the discussions and are confident that the OSCE Permanent Council will benefit from the Seminar's report. NDI will continue its efforts to contribute constructively to the OSCE process. We look forward to clarification and strengthening of OSCE commitments and obligations, so that OSCE participating States may achieve genuine elections,

democratic governance, implementation of the rule of law and respect for human rights, as part of a comprehensive approach to security and cooperation.

Thank you Mr. Chairman for this opportunity to address the Seminar.