



United States Mission to the OSCE

Session 8 Democratic Elections

As prepared for delivery by Patrick Merloe
OSCE Human Dimension Implementation Meeting
Warsaw, September 30, 2011

Mr./Madam Moderator,

It has been often stated that elections in and of themselves do not a democracy make. However, free and fair elections are a necessary part of a healthy democracy. A country where elections fall short of being free and fair and where the voice of the people is not permitted to be heard simply cannot be considered a democracy. Moreover, technically well-run polling does not mean that the election process is democratic; a genuine electoral process also requires an open pre-election environment in which citizens can participate fully, political parties can operate freely, independent media can flourish, and an independent judicial system operates effectively.

All OSCE participating States have committed themselves to holding genuinely free and fair elections. As set forth in the 1990 Copenhagen Document, and reaffirmed at the Astana Summit, this includes: universal and equal suffrage; secret ballots; and non-discriminatory access for parties to the media. Free, transparent and credible elections have become a global norm, and domestic and foreign observers are critical parts of an electoral process.

Despite the substantial progress that has been made in democratic election practice in many OSCE countries, too many elections in participating States have serious shortcomings. Some participating States have flagrantly ignored their commitments, and serious manipulation of the election process has taken place over the past year.

The December 19th, 2010, Belarusian presidential elections were the latest in a long line of fundamentally flawed and fraudulent elections in that country. OSCE observers concluded that “Belarus still has a considerable way to go in meeting its OSCE commitments.” While the voting process itself was judged as

good or very good in the majority of polling stations observed, the critical vote count was judged as “bad” or “very bad” by nearly half of the precincts observed, and was especially notable for its lack of transparency. While the run-up to the election showed some procedural improvements and an easing of restrictions on normal political activity, the electoral machinery at every level remained firmly under the authorities’ control. The dominant state-controlled media disproportionately favored the incumbent and opposition representation on precinct and territorial election commissions was virtually non-existent. In addition, the aftermath of the election was marred by repression of peaceful political and civil society opposition to the government.

Given the lack of independence or impartiality of the Central Election Committee, the restrictive and uneven playing field for media, the lack of transparency at key stages of the electoral process—and the unprecedentedly brutal election-night crack down—the United States does not recognize this election as legitimate.

The April 2011 presidential election in Kazakhstan was also not fair and free. According to the OSCE, the “needed reforms for holding genuine democratic elections still have to materialize as this election revealed shortcomings similar to those in previous elections.” Among the OSCE findings were that “the legal framework has key shortcomings inconsistent with OSCE commitments, including restrictions on freedom of assembly and freedom of expression,” and on election day “international observers noted serious irregularities, including numerous instances of seemingly identical signatures on voter lists and cases of ballot box stuffing. The vote count and tabulation of results lacked transparency, and procedures were often not followed. International observers were sometimes restricted in their observation.” Local authorities intervened in the election process in order to increase turnout. In addition, no detailed election results have been published, which seriously diminishes the transparency of the electoral process as a whole.

In Azerbaijan, according to the Final Report of the OSCE’s election monitoring mission, the November 2010 parliamentary elections were marred by a deficient candidate registration process, limits on freedom of assembly and expression, a restrictive political environment, skewed media coverage of candidates and falsified vote counts. These matters undermine the authenticity of elections and require a demonstration of will to end the pattern of deficient elections. We urge the government to take definitive steps to ensure the free and

full exercise of human rights and fundamental freedoms in connection with electoral processes.

In Armenia, we welcome the release of individuals jailed in connection with the disputed 2008 Presidential election and its aftermath, as well as the relaxation of restrictions on free assembly. However, we note that to date no one has been held accountable for the ten deaths related to the post-election protests. We urge the government to promote a political atmosphere that is truly conducive to democratic electoral processes in which lawful political activity and expression are unhindered, well in advance of the upcoming national elections. We also urge Armenia's authorities to improve the administration of elections, including the conduct of the vote and the vote-counting processes, and to ensure fair, effective procedures for complaints and appeals, so that Armenia's upcoming elections are free and fair and the public can have faith in the electoral process.

Such a political environment also is crucial in Georgia, which between 2012 and 2013 has the potential to undergo the country's first fully democratic transfer of power. Ensuring free, fair, and transparent electoral processes should be Georgia's top priority and would be an important step toward achieving its European and Euro-Atlantic goals. We urge that efforts to revise the electoral code be done through an open, participatory and inclusive process, which would establish confidence and could be seen as an immediate step toward achieving those goals.

The OSCE region did see some smoothly conducted elections with minimal problems, or demonstrating an overall good-faith effort to conduct free and fair elections. Among examples of well-conducted elections were early parliamentary elections in Macedonia held this past June, and in Moldova, held last November, which were competitive, transparent, and well-administered, and met most OSCE commitments.

In Kyrgyzstan last October, OSCE observers declared that the parliamentary elections "constituted a further consolidation of the democratic process." They were characterized by "political pluralism, a vibrant campaign, and confidence in the Central Commission for Elections and Referenda," and "fundamental freedoms, including the freedoms of expression, assembly, and association, were generally respected." The parliamentary elections and a credible constitutional referendum were held against a history of poor elections in the country, which demonstrates that electoral credibility is principally a matter of exercising

principled political will. We hope that the upcoming presidential election in Kyrgyzstan will show further progress in electoral reform, and we particularly hope that the government will ensure a climate conducive to political participation by ethnic Uzbeks and other minorities or marginalized individuals, such as persons with disabilities.

The October 3, 2010, elections in Bosnia and Herzegovina were generally conducted in line with OSCE commitments and international standards, although some aspects of the process could benefit from further improvements. Since the elections, the political parties have been unable to reach agreement on the formation of a new governing coalition at the state level. The United States calls on all political parties in the country to find this agreement now, and to begin undertaking the practical reforms necessary for European integration.

In Ukraine, local elections on October 31, 2010, did not meet standards for openness and fairness set by the country's presidential elections earlier in the year. Domestic and international election observers reported numerous procedural violations on Election Day. They also cited a newly-passed local election law, which created complicated registration and voting procedures, and blocked participation of new parties. The government recognized the problems and has acknowledged the need to bring electoral legislation into line with international standards. Again, we urge in Ukraine, as in Georgia or any nation, that electoral reform be conducted through an open, participatory and inclusive process thereby building public confidence and avoiding the suspicions and deficiencies that accompany laws drafted to serve narrow interests and behind closed doors.

The United States welcomes the progress that did occur in the conduct of the May 8 local elections in Albania, and the resolution of the closely contested mayoral race in Tirana. However, we note that the United States, along with our OSCE and European partners, expressed our concern at the time to the Government of Albania that the legal basis for a controversial decision to count "miscalc ballots" was unclear and appeared politically-motivated.

My delegation would like to express its desire and hope that, with the elections process now complete, all the parties will focus sharply on developing and enacting a stronger Electoral Code in line with reforms prescribed in the 2009 and 2011 OSCE/ODHIR election final reports. The Electoral Code developed in 2008 is inherently weak and left open the door for the sort of irregularities that occurred in the vote counting process this year. The law needs to be reformed

prior to the 2013 parliamentary elections through an open, participatory and inclusive process that takes into account OSCE/ODIHR recommendations and those of concerned citizens and other credible sources. We are glad to see that the parties have begun to put forward representatives to begin these negotiations. We trust that Albanian opinion leaders—be they in Government or opposition—will be open to further work with the OSCE presence and the Venice Commission, among other providers of democratic assistance, to help ensure this. As Albania celebrates its 100th anniversary of statehood next year, its citizens—at home and abroad—deserve a government that they can trust and leaders who put the needs of the people first.