

United States Mission to the OSCE

Session 17: Democratic Institutions

*Democratic Elections;
Democracy at the national, regional and local levels;
Citizenship and political rights*

As prepared for delivery by Janice Helweg
to the OSCE Human Dimension Implementation Meeting
October 8, 2009

Thank you, Mr. Moderator.

In the Charter of Paris in 1990, participating States declared that “the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government,” and agreed that they therefore would “respect the right of their citizens to take part in the governing of their country, either directly or through representatives freely chosen by them through fair electoral processes.”

These commitments are not only about technical administration on election day, but also about the necessity to hold elections in accordance with the spirit as well as the letter of the OSCE commitments, before, during, and after Election Day, in order to permit the voice of the people to be heard. Citizens must have the freedom to form parties and to campaign. The media must have the freedom to report and express differing views without fear of retribution. Political parties and civil society must be allowed to hold peaceful assemblies and demonstrations. The election grievance process must be fair and transparent. In the end, citizens must have confidence in the electoral system, and believe that their elected representatives are accountable to voters.

During the past year there has been progress in several participating States. The OSCE observer mission to the March early parliamentary elections in Montenegro, for example, concluded that the elections “met almost all OSCE and Council of Europe commitments, although the process again underscored the need for further democratic development.”

In Macedonia, ahead of the March and April presidential and municipal elections, the government undertook actions to address a number of ODIHR recommendations. It is noteworthy that these elections were well-administered – a significant improvement over the 2008 parliamentary elections – and met most international standards. Nevertheless, more remains to be done, including improving the accuracy of voter lists.

Since achieving independence in 1991, Moldova has had a generally positive trend in making improvements in conducting and respecting the results of elections; while the April 5 elections clearly were problematic, the July 29 elections were a significant improvement. That said, there were shortcomings even with the July 29 vote, most notably access to mass media for all stakeholders in the election process and the failure by the previous government to allow the international monitoring group ENEMO to observe that election, despite the approval for

ODIHR to do so. Improvement in these areas could increase public confidence in the electoral process.

According to the OSCE, elections in Albania – while not realizing Albania’s full potential – also “marked tangible progress with regard to the voter registration ... and the legal framework...”. However, some shortcomings were also evident. Although the new vote counting procedure, which aimed at increasing transparency and addressing issues from previous elections, resulted in some improvements, it was in the end not as helpful as had been hoped. The protracted count was marked by high levels of mistrust among political parties and their representatives at all levels of the election administration, and the Central Electoral Commission appeared not to respond quickly to problems as they arose, further undermining confidence among the parties in the counting procedure. There were also several cases of violations and political pressure exerted by parties during the campaign.

While the July 5 Bulgarian parliamentary elections were generally in accordance with OSCE commitments, the ODIHR/PACE statement on preliminary findings and conclusions noted that “late changes to the election system, concerns about the effectiveness of law enforcement and the judiciary, as well as pervasive and persistent allegations of vote-buying, negatively affected the election environment.”

Unfortunately, there were also missed opportunities for fair and democratic elections.

The October 2008 presidential election in Azerbaijan showed improvements in some technical aspects of election administration, but was marred by significant departures from international standards that also manifested themselves in the March 2009 referendum eliminating presidential term limits among other provisions. As the ODIHR reported, the election was conducted peacefully but was characterized by a lack of robust competition and vibrant political discourse, and a restrictive media environment. The playing field was not level. Some voters and a number of domestic election monitors faced pressure. We encourage the government to continue improving the Election Code in line with ODIHR and Council of Europe recommendations. The upcoming municipal elections offer an important opportunity for Azerbaijan to demonstrate its commitment to grassroots democracy.

In spite of public commitments made by Armenian authorities to hold a free and fair election, Yerevan’s important May 31 mayoral election unfortunately featured widespread fraud and intimidation in the voting process. While the campaign period itself marked an improvement over previous elections in terms of media climate, there were numerous electoral violations including ballot-stuffing, multiple voting, falsified vote counts, intimidation of party proxies and observers, and the illegal presence of unauthorized and unidentified individuals in polling stations, all of which repeated a disturbing pattern of similar violations witnessed in previous elections in Armenia. We urge the authorities to address these violations and to ensure that the electoral complaint process gives legitimate complainants a fair hearing.

The December 14, 2008, parliamentary elections in Turkmenistan marked some limited progress, specifically in that there were allowances for independent candidates and that election officials were open to international observation. The conduct of the elections, however, fell far short of OSCE standards. Local officials had complete control over the candidate selection process; even

the few “independent” candidates were government-approved. There were credible reports of widespread ballot stuffing. Turkmenistan remains the only OSCE participating State with only one political party. We urge the Turkmen authorities to develop procedures for the establishment of alternative political parties and ensure that independent candidates are allowed to run for office without interference.

We are deeply concerned by the conduct of the July 23 presidential election in Kyrgyzstan. The OSCE said that “election day was marred by many problems and irregularities, including evidence of ballot box stuffing, inaccuracies in the voter lists, some evidence of multiple voting, and intimidation of domestic NGO observers. The process further deteriorated during the counting and tabulation.” There was an overall climate of intimidation, with credible reports that municipal workers, students, and others were pressured to vote for President Bakiev. The abolishment of the use of ink to prevent multiple voting had a particularly bad effect, as observers reported voters misusing absentee forms, using other people’s IDs, or paying others to vote more than once. Few opposition representatives were active on electoral commissions, and observers reported cases of intimidation of those who did participate. As the OSCE statement also noted, however, there were some positive elements. Kyrgyzstan has a multi-party system, as well as an active independent media and civil society. Even those positive elements, however, showed significant signs of deterioration, as opposition activists, journalists, and NGOs faced harassment and violent attack. We urge the Kyrgyz authorities to take immediate action to redress the deficiencies noted in ODIHR’s election observation reports.

Governments that try to manipulate elections may hold on to power in the short term, but in the long run they risk more than they may temporarily have gained. For that reason transparency and accountability are so important in the election process. Without them, voters lose trust in the process, and ultimately in those who are elected.

Thank you, Mr.Moderator.