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**Statement by the Delegation of the
Republic of Kazakhstan
Working Session 11, HDIM
(Warsaw, October 9, 2006)**

Thank you, Mr. Chairman,

On today Session we can discuss our current situation concerning the implementation of part 2 of decision 17/05 of Ljubljana Ministerial as well as principal topics of future OSCE/ODIHR report.

The ODIHR provides a model in international election observation. Rather than dwelling on that role, it is important to recall the functions of election observation, the problems and challenges within the OSCE region for meeting States' commitments to holding democratic elections and what might be done to address important gaps in State practice.

The objective of OSCE/ODIHR election observation is to assess the extent to which an electoral process complies with OSCE commitments and other international principles for democratic elections. An election is also evaluated to see whether it is carried out in line with domestic legislation, which should reflect these international standards. The primary responsibility to implement these elections commitments lies with all the 56 participating States.

Therefore there can not be any further excuse for a number of OSCE member-states-the signatories of the OSCE 1990 Copenhagen Document for violation of its Article 8. All these countries have an obligation to abide by the aforementioned document in a uniform and consistent manner, including obligatory access for OSCE observers at the polling station level.

Following the principles of equality of sovereign States, as laid down in Helsinki, all participating States are equally bound to identical commitments. With this in mind, the OSCE/ODIHR should necessarily deploy a full-scale needs assessment and election observation missions in all OSCE member-states. References to necessity of rational use of the ODIHR budgetary funds should not be the case in this particular matter. We must ensure that ODIHR has adequate and reasonable resources to undertake this responsibility.

Follow-up to ODIHR's electoral recommendations is specifically addressed in a commitment in the Istanbul summit document. However, state practice in this area has been inadequate. The ODIHR should be empowered to take specific actions to go to participating States to evaluate follow-up on recommendations, and a follow-up mechanism could be developed to this end. Participating States should be willing to make an explicit commitment concerning follow-up actions on

ODIHR recommendations and to authorize ODIHR to take necessary steps to evaluate such actions in impartial, concrete and non-politicized manner.

But at the same time we must envisage that ODIHR's conclusions should not a priori be allocated as an ultimate truth and we should think of the mechanism the host country can use to appeal on the conclusions the Bureau has made on the elections monitoring or to explain its own position.

We do agree with those previous colleagues who have underlined the necessity to ensure the transparency and faire geographical balance in the process of designation and appointment of heads of Election Observations Missions and creation of roster of candidates to these positions from nominees, submitted by member-states.

Must be elaborated clear criteria concerning composition, format, and quantity of members of the election observation and needs assessment missions, depending on the size of territory, number of polling stations, or other characteristics of the host country.

Transparency of the election process is fundamental to democratic elections. And transparency of elections observation mission work is fundamental to democratic monitoring and assessment. We strongly support the necessity of transparency and accountability of the activity of the ODIHR election observation missions.

When the OSCE's 1990 Copenhagen Document was drafted, there was an enthusiastic consensus for its broad-ranging commitments to human rights and democratic development, including the commitments to organizing democratic elections. But we should bear in mind the fact that the OSCE Copenhagen Document is more than 15 years old.

The Copenhagen Document encompasses a broad range of commitments beyond its paragraphs 6, 7, and 8, which solely address electoral matters.

Therefore a new commitments in the framework of Copenhagen Plus Concept also should not be directed exclusively on electoral matters and should not be misinterpreted as a de-emphasis of the broad range of commitments in the Copenhagen Document, as it would be impossible to achieve democratic elections without due respect for the unhindered exercise of human rights and fundamental freedoms.

From our point of view, in such kind of Copenhagen Plus concept could be reflected those new and /or reinforced commitments which are in line with a new international environment, new challenges and threats. And which are named in the tabled ODIHR synopsis as a "specific commitments". I mean tolerance and non-discrimination; prevention of torture or other inhuman treatment or punishment; gender equality; strong resistance to the hate crimes; the moratorium and abolition of death penalty; fight against neo-fascism and xenophobia, etc.

We are ready to participate in consultations under the auspices of Belgian Chairmanship on a drafting of Ministerial decision on election observation, which could be conducted in parallel to the preparation of the ODIHR Report