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## OSCE HUMAN DIMENSION IMPLEMENTATION MEETING 2007

### **EU Statement for the Working Session 14: Democratic Institutions**

**3<sup>rd</sup> October, Warsaw**

Mr Chairman,

At earlier occasions the EU has commended ODIHR for its report “Common Responsibility” which it presented to the Ministerial Council in Brussels last year. The EU fully shares the analysis contained in this report and welcomed MC Decision 19/06, in which participating States reaffirmed their determination to address shortcomings in the implementation of commitments.

Let us recall that our common CSCE – now OSCE – Copenhagen Document of 1990 lays down a long list of commitments in the field of democracy and democratic institutions which are as fundamental and topical now as they were at the time of their adoption.

Among them are the following commitments:

- A form of government in which the executive is accountable to the elected legislature or the electorate;
- The duty of the government and public authorities to comply with the constitution and to act in a manner consistent with the law;
- A clear separation between the State and political parties; in particular, political parties will not be merged with the State;
- Military forces and the police will be under the control of, and accountable to, the civil authorities.

The EU believes that upholding and implementing all of these commitments today remains a challenge for all of us, the entire OSCE community, governments and civil society alike. We must address worrying tendencies, whereby parliaments and political parties are in danger of becoming mere annexes to over-powerful executives.

The European Union was founded on the principle that there can be neither peace and stability, nor prosperity without democracy. In this spirit, democracy is enshrined in our own basic treaties and forms the basis for our external relations in the context of our Common Foreign and Security Policy.

The EU's foreign policy aims at building partnerships with third countries, including our neighbours, in which shared values such as democracy, adherence to human rights and the rule of law play a central role.

Of specific relevance to the OSCE in this context are the EU's Enlargement policy, the European Neighbourhood policy, for our Partnership with the Russian Federation and our relationships with the Central Asian states.

Since the last HDIM the EU has shown that it is ready to back up its commitment to assist its partners and neighbours in building democratic societies by concrete actions.

During this last year the EU has adopted:

- Action Plans setting out the principles for the Union's co-operation with Armenia, Azerbaijan and Georgia;
- A regulation establishing a European Neighbourhood and Partnership Instrument of financial assistance;
- A European Union strategy for Central Asia and
- An indicative financial programme of co-operation with Central Asia.

Of special interest to the EU during the past year were the discussions within OSCE on elections and election observation. The EU would like to underline that it would neither accept a weakening of the commitments and standards contained in the Copenhagen

Document, nor any action which could undermine ODIHR's autonomous position in election observation.

The EU calls on all participating States to invite ODIHR and other participating States at an early stage to observe their elections. It remains the responsibility of ODIHR to determine the type of the mission and, when necessary on the basis of a needs assessment mission, how many long-term and short-term observers would be necessary for a credible Election Observation Mission.

Furthermore, the EU would like to recommend that:

- Participating States reconfirm their primary responsibility to meet their commitments aimed at fostering and strengthening democratic governance, including by conducting genuine democratic elections;
- Participating States reiterate that three basic principles integral to the democratic election process that are not expressly stated in the 1990 Copenhagen Document - transparency, accountability and public confidence - could serve as basis for additional commitments to supplement existing ones; and to discuss possible directions for future work on this issue;
- In this way the OSCE could further address the challenges of new voting technologies in electoral process.

Furthermore, the EU recommends that:

- Participating States fully support the leading role that the ODIHR has played in election observation, whose comprehensive methodology has been embraced by other organizations, including the UN and the EU itself involved in election observation worldwide;
- Participating states reassert their political will to strengthen their response to the ODIHR's election recommendations and to invite ODIHR to support follow-up activities.

The EU stresses the need for continued close cooperation between ODIHR and the Parliamentary Assembly in order to further strengthen election observation missions on the basis of the Cooperation Agreement of 1997.

The EU reconfirms the need for a more systematic approach to ensuring post-election dialogue, elaborating a reporting procedure on follow-up activities; to discuss what could make follow-up more effective and enhanced.

The EU recognises and welcomes the ongoing efforts deployed by ODIHR to implement the Brussels Ministerial Council decision 19/06, notably the further refinement of the election observation methodology, the wider geographic coverage, the increased diversification of EOM composition, the establishment of a competitive, open and transparent recruitment of observers, the observer training, the independence, impartiality and professionalism of observers, and the enhancement of linguistic inclusiveness.

The EU recognises the positive effect of the Fund for Enhancing the Diversification of ODIHR Election Observation Missions (“Diversification Fund”) and encourages participating States to contribute further to the Fund.

The EU encourages participating States to strengthen national efforts to train election observers and welcomes the ODIHR’s training efforts in further enhancing the professionalism of election observers.

In the EU’s view the OSCE should provide further opportunity for an open dialogue on the implementation of OSCE election-related commitments and the main challenges to their implementation.

More in general, the EU also recognizes the importance of political parties as actors that uniquely aggregate and represent views of large groups of citizens and would like to point out the OSCE expertise in the field of Parliamentary assistance. The EU welcomes ODIHR’s activities to collect and make available best practices in this field.

In the same line, the EU contributed to the most recent Human Dimension Seminar on Effective Participation and Representation in Democratic Societies in May 2007 in Warsaw. On this occasion the EU recalls the recommendations which it made both to participating states and to ODIHR, annexed to its closing statement.

Political plurality and diversity are cornerstones of democratic societies. Therefore, participating States should respect, protect and promote political plurality and should create an environment in which political parties or groups can thrive and operate without fear of reprisal or repression. The freedoms of assembly, association and expression are of particular relevance in this regard.

Participating States should promote a vibrant civil society and allow individuals, such as human rights defenders, to operate freely in their pursuit of non-violent legitimate political activities. Any legislation regulating the activities of NGO's should fully conform with OSCE and other international commitments and should not be used in any way to restrict or intimidate NGO's.

In the EU's view political parties in participating States should ensure transparent mechanisms of participation and representation of their members and should themselves be internally democratic.

Corruption within the political system undermines participatory democratic processes and decisions and therefore must be fought on all levels, including the local level.

Representation in democratic societies and participation, including by women, underrepresented, marginalised or opposition groups and individuals are fundamental in order to strengthen the sense of belonging and identification with the society as well as the individual's feeling of responsibility. The Lund recommendations on the Effective Participation of National Minorities in Public Life could be considered as a welcome contribution in this respect.

A functioning and inclusive democracy with authorities which respond actively to civil society at large forms the best guarantee for long-term stable and sustainable development.

The EU remains particularly concerned about the situation in those participating States where full respect for the civil and political rights of candidates and voters is not self evident. Access for international and domestic election observers, participation of women

and inclusion of national minorities, honest counting of votes, equitable media access and unbiased media coverage are among the prerequisites for democratic elections. Recognition of these fundamental rights will contribute to combined stability and prosperity.

Mr Chairman,

Both on elections and on other aspects of democratisation we witnessed active debates between participating States over the past year. Let us recall that for the EU one element is central: the OSCE commitments, to which all participating States voluntarily subscribed, remain the cornerstone for our cooperation. In this sense the EU judges developments in participating States and stands ready to assist to enable participating States to meet their commitments. ODIHR can be assured of the EU's full support and cooperation in its endeavours.

The Candidate Countries Turkey, Croatia and the former Yugoslav Republic of Macedonia<sup>\*</sup>, the Countries of the Stabilisation and Association Process Albania, Bosnia and Herzegovina, Montenegro and Serbia, EFTA country Norway, member of the European Economic Area, as well as Ukraine and the Republic of Moldova align themselves with this statement.

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<sup>\*</sup> Croatia and the former Yugoslav Republic of Macedonia continue to be part of the Stabilisation and Association Process.