



**CANADIAN INTERVENTION TO THE  
2008 OSCE HUMAN DIMENSION IMPLEMENTATION MEETING  
Warsaw, 29 September - October 10 2008**

**Working Session 17: Democratic Institutions including Democratic elections**

Trusted and legitimate democratic institutions and processes reflect the will of a population and are instrumental to prosperity, democracy and security. Democratic institutions and processes protect individual rights and liberties; strengthen the capacity of citizens to influence decision-making; provide a forum for public and parliamentary debate; and provide for the separation and balance of powers and the just and legitimate use of executive authority.

However, regrettably, in some participating States, there are serious shortcomings with the implementation of these principles. To ensure peace, security and prosperity, these deficiencies must be addressed.

While we have witnessed some progress in the last several years, regrettably, in some participating States, past or recent democratization progress has begun to show some signs of regression.

For instance, a serious concern is lack of respect for the Rule of law, in particular the basic principles of accountability to the law, legal certainty, and the avoidance of arbitrary application of the law. This can manifest itself in many forms, such as:

legislation that is purposely improperly applied; the issue of arbitrary decrees; the abuse of executive, administrative or regulative powers by authorities; or, in the context of an improper system of division and balance of powers, legislation that is made too constraining, harsh or excessive.

A principal means to ensure adherence to democratic principles and processes is achieved through the observation and assessment of elections. Observing national elections to determine whether they are in compliance with international standards has proven to be an effective tool in identifying abuse, a lack of transparency, and other disingenuous attempts to undermine democratic progress. To this end, authorities in question can subsequently be encouraged to work with ODIHR institutions to address these shortcomings and implement the necessary reforms.

**On October 1<sup>st</sup>, Canada expressed its deep concern regarding the conduct of Belarus's September 28 parliamentary elections.**

**This reaction came in response to the preliminary report on the elections by international observers from the Organization for Security and Cooperation in Europe (OSCE). The observers concluded Belarus had not met its OSCE commitments to hold fully democratic elections. Among the issues cited by the observers were a lack of transparency in the vote count and falsification of results.**

recognized internationally as credible, objective and professional, serving as a guide for all other relevant institutions/agencies to follow. It is with this in mind, that we would like to express our sincere concerns over attempts to curtail or subordinate the election observation activities of the ODIHR.

We remain open to positive changes which would increase compliance with commitments on democratization and democratic elections. However, we do not wish to open the door to a dilution of the ODIHR's mandate, leading to a lesser level of scrutiny of participating States' electoral processes. In this context, the proposals we have heard thus far are not convincing.

Accordingly, proposals that would neutralize or negatively impact the capacity of the ODIHR and its observers to provide critical, frank and independent assessments or to publish recommendations and reviews should not go forward. Further, the ODIHR's substantive work, including its independent assessments, should not be subject to negotiation, endorsement, or approval by the participating State being assessed.

To conclude, as an institution representing the 56 States of the OSCE, we believe in ongoing importance of the ODIHR and its related activities, and in particular, the instrumental role of election observation and monitoring. In this capacity, we believe that the ODIHR acts legitimately under the guidance and mandate of the Ministerial Council and will therefore remain an intrinsic component to OSCE democratization activities.