

Closing Remarks by Ambassador Janez Lenarčič
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and Human Rights (ODIHR)

Supplementary Human Dimension Meeting
on Democratic Lawmaking

Vienna, 7 November 2008



Check against delivery!

Excellencies,
Ladies and Gentlemen,

This meeting is now coming to an end. It was mentioned earlier that “democratic lawmaking” – though not new to the OSCE – has never before been addressed in its own right. However, the discussions yesterday and today have demonstrated how important it really is to put these issues on our agenda. The management and regulation of legislative systems would be improved if a more comprehensive and systematic approach were taken in most – if not all – participating States.

The discussions at yesterday’s civil society roundtable were thorough and offered focused and detailed recommendations. These can provide the basis for further steps towards more open and transparent lawmaking processes. Our meeting has largely benefited from this contribution.

We are also grateful for the active participation of the OSCE Parliamentary Assembly. The keynote addresses given by Ms. Habsburg Douglas and Ms. Alaverdyan served the purpose of this meeting remarkably well. They both pointed to the key issues and highlighted the links between democracy as an aspiration and democracy as a practice. In the same spirit, the speeches of the introducers guided and stimulated the debate, and they deserve thanks for their insightful and enlightening contributions.

I would like to make a few observations about the meeting that hopefully will do justice to the quality and richness of the debate.

First, beyond the diversity of perceptions and practices that were presented, there was a principled agreement that more needs to be done to foster transparency and openness. Democracy is a process that requires more than periodic elections. The voice of the citizens should be heard also between elections. Their participation in the lawmaking process must not be seen as a concession, but as a benefit. This will increase the likelihood that adopted legislation is accepted and properly implemented. Their participation is a benefit since it will ultimately ensure the effectiveness of the legal system. One may say that democracy generates more democracy.

However, it is not enough to recognize the theoretical importance of civil society participation in the lawmaking process. We should also look at how their input can really be taken into account in practice. The discussions here have offered a wide range of options. There is obviously no one-size-fits-all solution. Any recommendation can only set the framework – the details have to be considered on a case-by-case basis.

However, some key issues have emerged:

- Broad consultations on key legislation should occur at all stages of the lawmaking process, including at the policy development stage;
- There needs to be access to draft legislation at the earliest stage possible. Likewise, timely access to legislative agendas is essential;
- There should be public assurances that the input of those consulted will be given serious consideration and that the outcome of the consultations will be made public;
- New policies and mechanisms should be developed to ensure that consultations with the public are predictable in their scope, timeframe and purpose, and that they are effective.

These objectives leave much discretion as to the choice of instruments and institutional arrangements. Exchanges of practices through bilateral and multilateral cooperation are essential, and ODIHR stands ready to contribute to such exchanges.

Lawmaking is a complex area. Because of the challenges faced by governments and parliaments, ODIHR has carried out country studies upon request. These studies provide a working basis for increasing the transparency and efficiency of the lawmaking process. The case of the former Yugoslav Republic of Macedonia is exemplary in this regard, and we are hopeful that this work will result in constructive proposals for reform.

I believe that such activities can be a positive contribution to further democratize lawmaking, showing that transparency and efficiency are not incompatible but rather mutually reinforcing. The ills of democracy can only be cured with more democracy. This was the bottom line of our discussions during this meeting.

With these final words, I would like to express my gratitude to all of you for your participation, your ideas and your constructive approach. You have pointed out the way forward – what is needed next is political will and action.

Thank you.