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Working Session 14: Democratic Institutions
Full version

Trusted and legitimate democratic institutions which reflect the will of a population are fundamental to prosperity, democracy and security. This includes institutions and authorities which protect individual rights and liberties; a democratic public and parliamentary debate of ideas and policies between individuals and political parties of various viewpoints; an adequate separation and balance of state powers and the fair and legitimate use of executive authority.

Regrettably, in some participating States, there are serious shortcomings in the implementation of these principles. They have to be addressed urgently.

While we have witnessed some positive evolution in the last several years, regrettably, in some participating States, past or recent democratization progress is thwarted by signs of regression.

For instance, a serious concern is the misuse by executive authorities of their national legislative and regulatory framework. This can manifest itself in many forms, such as: legislation that is purposely improperly applied; 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. Observing and scrutinizing elections against international standards, rather than solely against national legislation, is one way to identify and assess these cases in an electoral context. Relevant authorities can then be encouraged to work with the ODIHR to implement reforms addressing these shortcomings.

Considering all this, the work of the ODIHR in the field of elections is of critical importance for us participating States, although other institutions and organisations also have a role and place within the OSCE region. The ODIHR electoral observation work is one of the most objective and professional and is continuously seen as the international reference. In this context, we are seriously worried by attempts to curtail or subordinate the election observation activities of the ODIHR.

We are always 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, some proposals we have heard so far are not convincing.

Accordingly, proposals that would neutralize or negatively impact the capacity of the ODIHR's 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 or endorsement, or subject to approval by the participating State being assessed.

To conclude, the ODIHR is the institution created by and representing the 56 participating States of the OSCE to conduct, as one of its many activities, election observation and monitoring. In its work in election observation and democratization, we believe that the ODIHR acts within the guidance and mandate it received from Ministerial Council decisions and other OSCE documents and decisions.