

DEMOCRATIC ELECTIONS, RULE OF LAW, AND GOOD GOVERNANCE

**Remarks to Human Dimension Seminar on Election Processes
By Peter Eicher, Deputy Director, OSCE/ODIHR
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I'm pleased to be here today and happy that my colleagues asked me to introduce this working group on democratic elections, rule of law, and good governance. This is an issue close to my heart, since in a sense everything we do at the ODIHR is connected to these issues.

Two weeks ago, I addressed the OSCE Economic Forum in Prague – which a number of you also attended – where the principal theme of the meeting was also good governance. This highlights the extent to which good governance has become a key issue for the OSCE.

The main theme I touched on at the Economic Forum was one which I think also has special relevance for this seminar. I argued that you can't have good governance without democracy. Further, I suggested that you can't have good governance without strong opposition parties, a free media, and a healthy civil society. These are all necessary checks against government abuses. I've been watching these issues around the world for the past thirty years and I've seen a clear pattern: where an arbitrary political system leads to harassment of the political opposition, you're also likely to find arbitrary obstacles placed in the way of the business community and of ordinary citizens. And, there are also likely to be arbitrary obstacles in the way of good elections.

Two of the other main themes emerging from the Economic Forum in regard to good governance were the importance of transparency and accountability. It's no coincidence that these are also two of the key elements we stress for good elections.

Since I want to be brief today, I'll use the few minutes I have to list for you nine key themes in regard to democratic elections, good governance, and rule of law. I offer these as food for thought, and I hope they may spark some response and help lead to a lively discussion.

First, you can't have good governance, or good elections, without a process of consultations and consensus. Good governance can't be dictated from above, it has to be earned, and this can only be done by involving all political forces in the process. This is never easy, but it does give everyone a stake in society and ensures that voices are heard, even if everyone can't have their own way. For example, as a matter of good governance – and to promote both transparency and accountability – election commissions need to be balanced and to include opposition as well as government supporters. Another example is the drafting of election laws. Since these are important and may be controversial, good governance requires they be adopted through a process of consultation. And on particularly sensitive questions – such as independence referendums – good practice suggests the importance of as broad consensus as possible, for example, through use of a qualified majority.

Second, good governance demands that the process of consultations and inclusion be applied not only to political forces, but to all elements of society. This means, in particular, including minorities and women in the political process. The ODIHR has been working on both these issues, and has recently published a paper on best practices for minority participation in elections, which is available outside. As part of our effort to promote women's participation in elections, we hosted a side event on this issue yesterday, which I hope many of you attended.

Third, one of the greatest threats to good governance is corruption. This is a problem in every country and it's a special threat to electoral processes. We see this in many forms in our election work – from use of public office to influence outcomes, to the role of money and special interest. We've commented on these problems in many of our election reports. But the problem isn't limited to countries in transition. Some well-established democracies, including my own country, have something to learn from newer democracies about the corrupting effect of big money in elections and the need for reasonable limits on campaign spending.

Fourth, good governance requires transparency. One of the best ways to promote transparency in elections is through independent election observation. I'm pleased we have many domestic election observation organizations represented at this seminar. We at the ODIHR are trying to support these groups. Unfortunately, there is a growing trend in some OSCE countries to place restrictions on these groups. Such restrictions undermine transparency and threaten good governance.

Fifth, good governance doesn't just mean having good laws, it means implementing them in a way that's open and predictable and fair. Anyone who reads ODIHR election reports will find that again and again we report that election laws were essentially all right, but because the laws were poorly or unfairly implemented, the election failed to comply with OSCE commitments.

Sixth, although elections and good governance are essentially a national responsibility, there is an important role for the international community, and organizations such as the OSCE can and should play their part. As a security organization, we must recognize the link between security, good governance, democratic elections and rule of law. We must remember our pledges that human dimension developments in any OSCE state are a direct and legitimate concern to all of us, and that democracy is a prerequisite to security.

Further to this, my seventh point is that the international community should use the tools at its disposal to promote good governance. One obvious one – that people don't much like to discuss – is conditionality in international aid and lending. Perhaps it's time for the OSCE to take a position on this and to recognize conditionality as a constructive, positive tool in promoting good governance. I raised this point also at the OSCE Economic Forum. Conditionality doesn't have to be seen as a threat or a punishment. It should be a simple matter of good practice and common sense. Would you want to invest your family savings in a company with corrupt or bad management practices? Of course not. By the same token, it's just not logical for international financial institutions to be investing in countries with poor governance practices. There's never enough money to go around; what there is

should go where it's most likely to make a difference and have a positive impact – to states that practice good governance and have good elections.

Eighth, the international community, and the OSCE in particular, should continue to set standards and elaborate best practices. The commitments in the Copenhagen Document, which guide our election work, are excellent and broad-ranging. However, we should see Copenhagen as the beginning of the road, not the end. In fact, the ODIHR has been involved in elaborating new guidelines and best practices on issues such as election legislation, election dispute resolution, and minority participation in elections. As you're aware, this week we've been working with domestic election observation groups to put together guidelines for domestic observers. We've also recently published guidelines on other aspects of elections. We'll continue to work on these efforts, but to be successful we need the political support of the OSCE participating States.

Finally, ninth, the international community should continue to lend a helping hand on good governance and elections. This can take many forms. One is to offer constructive criticism. Another is to provide training. And training should not be limited to government officials, but should also include training for opposition parties, minorities, and non-governmental organizations. The ODIHR is ready to continue to do its part, both in offering criticism, and in offering assistance.

So, with those nine themes, let me end my presentation. I hope our discussion will lead to some productive and concrete recommendations and I look forward to your views. Thank you.