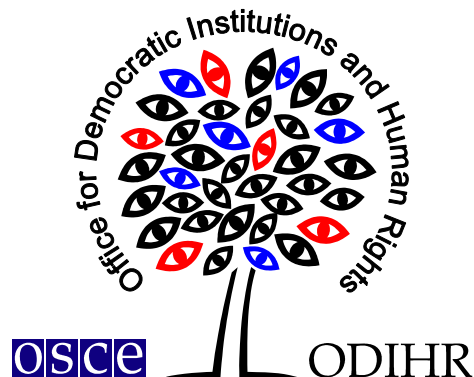


Opening Remarks by Ambassador Christian Strohal
Director of the OSCE Office for Democratic
Institutions and Human Rights

Human Dimension Seminar on Democratic Institutions and
Democratic Governance

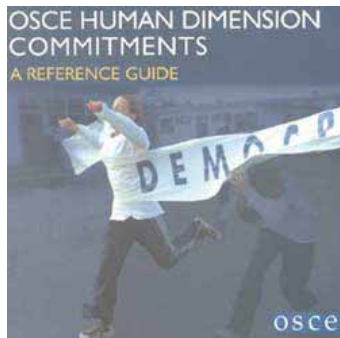
Warsaw, 12 May 2004



Excellencies,
Dear Guests,
Ladies and Gentlemen,

We are now some fifteen years into a new era of European and world history after the wave of democratization that brought down the Berlin wall and culminated in the accession of eight former communist countries to the European Union just two weeks ago. The OSCE has now called representatives from across our vast region to Warsaw to discuss democratic institutions and democratic governance. We may ask ourselves: Are we not out of sync here? Do we not risk repeating all those speeches that were held fifteen years ago, when our generation celebrated human rights, democracy, and the rule of law as the ultimate achievement of our common history, as the basis for our common security? Are we holding this meeting ten years too late; has it not all been said?

No, this is not the case. Or let me rather say that, instead of regretting this situation, we have realized that democracy - that is, the establishment of democratic institutions and what has become to be called democratic governance - is far from an objective you reach once and can then check off: done; fulfilled; mission accomplished. Fifteen years ago, we were, of course, tempted to see things that way. We thought that adopting the historic documents, the Charter of Paris for a New Europe in 1990 or the Copenhagen Document on the human dimension the same year, would suffice, solemnly and irrevocably. We thought it could be like a race, like the girl on the cover of our own compilation of human dimension commitments passing the finish line and reaching the desired goal: democracy.



That is why this meeting, which I have the honour to welcome you to in Warsaw, is so important, and so topical for the challenges of our organization. Apart from an initial expert meeting in Oslo 14 years ago, the OSCE has not devoted a human dimension event to the topic of democratic institutions as such. It has never focused on democratic governance. This is surprising, since the OSCE has, more than any other organization in our region, been associated with democratization, institution-building, and administrative reform, especially in post-conflict areas, and has accumulated enormous amounts of hands-on experience and lessons learned. In our field missions, the OSCE maintains large human dimension programmes, whose overall volume of almost 50 million euros by far exceeds my own institution's capacities. That is why I particularly welcome the many guests and participants active or formerly involved in OSCE field missions. The missions continue not only to make up the bulk of the organization's staff and resources but also to be the pride of the organization, and they are what others envy us for.

I have no doubt that our colleagues from the field will help us keep the discussions focused and grounded in reality. It makes little sense for us to engage only in highly academic and theoretical debates about definitions and semantics. We are, of course, glad to have political scientists among us for these three days who can help us formulate our concepts and ideas. But what counts following the three days here is the outcome we can put to use on the ground in many of the participating States, and perhaps beyond.

I welcome the continued and active participation of Non-Governmental Organisations, who have been our reality check through the years. Our colleagues in other international organisations are also an essential part of our work so that our efforts complement each other to the extent possible. And lastly I want to thank the Bulgarian Chairmanship of the OSCE with whom we developed the subject of this Seminar, for their interest and support.

Ladies and Gentlemen,

You have all received the agenda, annotated agenda, and list of participants. I therefore do not need to elaborate on this. Let me just make a few observations that I hope should give us some orientation for the coming days.

The discussion here is not about democracy as such. The parameters are clear: The human dimension commitments form a part of our common heritage. The OSCE participating States, under the 1990 Charter of Paris for a New Europe, undertook *“to build, consolidate and strengthen democracy as the only system of government of our nations.”* In the Copenhagen Document of 1990, the participating States reaffirmed their determination to co-operate in order to further pluralistic and vigorous democracy. To this end, they recognized *“that vigorous democracy depends on the existence (...) of democratic values and practices as well as an extensive range of democratic institutions”*.

The core institutions are the executive, the legislature, and the judiciary. The Copenhagen Document defines the executive as the government in power; the legislature, as the national representative body; and the judiciary, as the independent administration of justice. The list of democratic institutions includes political parties, national human rights institutions/ombudsman offices, impartial and effective public service, free and independent trade unions, organizations that form the whole of civil society, and independent media.

We have moved from focusing solely on “democratic institutions” as the abstract building blocks of a functioning democracy to a more dynamic understanding of “democratic governance” that, of course, can only function if the proper institutions are there. But an excessively static focus on “institutions” has at times led to the establishment of what some have described as “Potemkin democracies”, facades of neat constitutions, human rights committees, and ombudsmen, and all the rest of the 1990s instant democracy toolkit. One of my advisers has called this a “cookie-cutter” approach. Thomas Carothers, one of the principal authors on the subject, and others have amply demonstrated how misled many of these early attempts were during the 1990s.

Democratic governance involves a lot more than institutions. Not only does it require a large number of NGOs and interest groups to exist, but that they and the wider public must be able to participate effectively in public affairs for government to be transparent and accountable and for legislation to actually be the outcome of a serious, informed, and participatory public debate. Naturally, the results are not always predictable, and this is also not the quickest way

to arrive at a decision. But it is the only way to ensure that the public understands and actually supports eventual decisions and allows for them to be implemented sustainably and effectively.

And this is the core of debates that are being waged in many so-called established democracies, old states with liberal traditions in Western Europe and North America. They have come to realize that democracy – effective democratic institutions and democratic governance – is not a prize or trophy once won and passed on from one generation to another. The level of trust in institutions, and even in the democratic system as such, is so disturbingly low in many Western countries that an organization like ours, which has been entrusted with a particular responsibility in this respect, cannot but take these developments most seriously.

Elections, the ODIHR's oldest and most developed responsibility, is, of course, a case in point. We began a few years ago already to closely follow developments in the field of electoral systems and administration in countries with longer democratic tradition than those in Central and Eastern Europe and Eurasia. We are therefore very interested in the further development of the European Union, whose bodies and institutions have taken on more and more functions and responsibilities but are often affected by a certain "democratic deficit". Public interest for the Union and participation at its elections are therefore a good indicator for establishing the degree to which its authority is based on a democratic order freely established through the will of the people.

For the OSCE to become interested in older democracies is, of course, not just an exercise of "balancing" the activities of the organization. It is not a concession to those who have often been criticized in this forum for having failed to honour their commitments. It should be a rule and an inherent principle that all participating States are equally bound by the commitments and that each one is accountable to all others and to its own people according to its own capacity and record. This is particularly true for those commitments relating to democratic institutions and democratic governance.

The OSCE has become a major forum for exchange for experiences gained in building and strengthening democratic institutions. Thousands of experts and advisors have crossed borders countless times to analyse, develop, reform, transform, and learn from democratic processes elsewhere in the OSCE region. This has, notably, not only been a one-way street from the West to the East. I am proud to present to you, in the course of this meeting, the latest ODIHR publication: a handbook on National Referral Mechanisms on how to handle victims of trafficking in human beings. Here, interestingly, countries in Eastern and South-Eastern Europe have more-advanced experiences and mechanisms than many Western European countries. Expertise in other fields has increasingly moved westwards. Western countries should not be embarrassed by this but should welcome it as a fruit of our common heritage and shared cultural values and norms.

The OSCE's ways of dealing with the challenges of promoting democratization across the region should also be of value to those who have taken on the ambitious goal of "spreading democracy" further afield. These ambitions, most formidably bringing democracy to the Greater Middle East, are highly admirable and in line with the spirit of Helsinki – often reaffirmed – that the principles agreed on among our participating States should also guide us in our relations with the wider world. Agreements with partners for co-operation in the Mediterranean and Asia provide a good platform for extending the wealth of our commitments and practical experience in the human dimension to our neighbours in the

South. Only recently, the Chairman-in-Office himself raised this perspective with regard to ongoing international efforts to bring democracy to Iraq. Let me add one word of caution at this stage, however: As we will see during our discussions, the job is far from done at home, in our own region. As I said at the outset, democratic institutions and democratic governance are far more than liberal-sounding constitutions and formally elected assemblies. They are the result of specific historical developments and circumstances and have never come about without being carried forward from within. They cannot exist or function without a critical mass of people actually requesting, supporting, and protecting them.

In addition to targeted technical-assistance projects intended to strengthen democratic *institutions*, the ODIHR should also be used as a source of advice on how to further the democratization *process*. The OSCE /ODIHR therefore encourages participating States to work through an authentic democratic process rather than to pass progressive laws in an undemocratic way.

Ladies and Gentlemen,

At Helsinki almost thirty years ago, it would have been considered unthinkable that the process started there would see its most visible results and achievements connected to democratic institutions and democratic governance. Yet much of the job remains to be done. It will probably never be “done”. It requires constant dialogue, political will, and also expertise to develop it further and to adapt to the challenges of the new century and a globalizing world. It is therefore our primary task - before we look to new horizons - to see to it that we stand on firm ground at home.

Details matter to a great extent in this regard. I am therefore pleased to invite you now to a series of discussions among experts and practitioners in public-administration reform, local government, legislative transparency, and civil society participation. This will be complemented by a number of interesting side events with a more specific focus. I invite you to be critical and constructive in your remarks, brief but not superficial, and most importantly, relevant to what this organization can actually deliver in practice.

The ODIHR recently appointed a new head of its Democratization Section, Dr. Vladimir Shkolnikov. We have developed a more coherent and cross-cutting approach in this programme, based on extensive experiences with projects on various elements of democratization, and based on our excellent relationship with relevant experts in the OSCE field operations. We hope that the discussions during this seminar will help us, particularly our democratization team, to further develop these new ideas. The goal is to serve as the organization’s centre of expertise in democratization and its various sub-categories. This is our only collection point for all the valuable practical democratization experience gained in the field over the years.

We strive to serve the participating States, as well as the other parts of the OSCE, particularly the missions, with the best practices in promoting democratic institutions and democratic governance. We will, naturally, always build on, and take into account, what others, states as well as international partner organizations, have already achieved in this regard.

In this context, we would be particularly interested to know what you think about a few of the central questions that have emerged in our work over the past few years:

- How should the ODIHR review its approach to strengthening democratic institutions and promoting democratic governance? How can the ODIHR better tackle this wide institutional, legal, and cultural sector in a holistic, coherent way?
- Should the ODIHR seek a specific mandate on closer co-operation with educational institutions, local and national government officials, as well as with political parties, to promote and strengthen democratic practices?
- How can we best develop measurable targets, streamline procedures, and establish benchmarks for activities aimed at building, strengthening, and protecting democratic institutions while at the same time not losing sight of the inherently political nature of such activities?
- And finally, how can the OSCE, and the ODIHR as the main institution of the human dimension, make better use of the existing networks of democracy researchers and practitioners, in particular our own field missions? Perhaps by more frequent meetings and the further development of networks of experts?

Let me add one final observation in order to achieve better focus and to avoid trying to cover too much ground in one go: I mentioned in the beginning that the judiciary is, of course, a key democratic institution. We take this very seriously indeed, as we work on this sector through our rule-of-law programme, and we have also had a series of targeted human dimension events related to the administration of justice in the past. We would therefore prefer to focus here on the legislative and executive branches of government, as they have not received any focused attention at a human dimension event for more than a decade.

Thank you.